S. HRG. 100-571

ESTABLISHING THE GRAYS HARBOR NATIONAL WILDLIFE REFUGE

HEARING

BEFORE THE

SUBCOMMITTEE ON
ENVIRONMENTAL PROTECTION

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

S. 1979

A BILL TO ESTABLISH THE GRAYS HARBOR NATIONAL WILDLIFE REFUGE

FEBRUARY 25, 1988

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CONTENTS

OPENING STATEMENTS

	Page
Chafee, Hon. John H., U.S. Senator from the State of Rhode Island	2
Mitchell, Hon. George J., U.S. Senator from the State of Maine	1

WITNESSES

Adams, Hon. Brock, U.S. Senator from the State of Washington	4
Written statement	30
Bonker, Hon. Don, a Representative in Congress from the State of Washington	6
Written statement	43
Davis, David G., Director, Office of Wetlands Protection, Environmental Protection Agency	12
Evans, Hon. Daniel J., U.S. Senator from the State of Washington	2
Written statement	26
Lattin, Stan, director of planning and economic development, Port of Grays Harbor	16
Written statement	51
Ortman, David, northwest representative, Friends of the Earth	18
Written statement	56
Reffalt, William C., program director, National Wildlife Refuge System Program, the Wilderness Society	21
Written statement	68
Robinson, Steven A., Deputy Director, Fish and Wildlife Service, Department of the Interior	9
Written statement	45
Shrauger, Hon. Phyllis, mayor, city of Hoquiam, WA	20
Written statement	63

ADDITIONAL MATERIAL

People of Point New:	
Statement of	33
Rebuttal to the testimony of the Friends of the Earth	37
S. 1979	122
Statements submitted for the record	71–121

ESTABLISHING THE GRAYS HARBOR NATIONAL WILDLIFE REFUGE

THURSDAY, FEBRUARY 25, 1988

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION,
Washington, DC.

The Subcommittee met, at 10:00 a.m., in room SD–406, Dirksen Senate Office Building, Hon. George J. Mitchell (chairman of the subcommittee) presiding.

Present: Senators Mitchell and Durenberger.

OPENING STATEMENT OF HON. GEORGE J. MITCHELL, U.S. SENATOR FROM THE STATE OF MAINE

Senator MITCHELL. Good morning, ladies and gentlemen. The Subcommittee on Environmental Protection convenes today to consider a bill introduced by Senators Adams and Evans to establish Grays Harbor National Wildlife Refuge in the State of Washington. This legislation, I understand, is nearly identical to a provision passed by the House at the end of last year and represents a compromise developed by Senators Adams and Evans, Representative Bonker, and other members of the Washington Congressional Delegation.

Colleagues with us here today this morning are to be commended for their hard work to protect the Bowerman Basin area of the Grays Harbor estuary. From all accounts, these lands and waters provide valuable habitat for many species of migrating birds, and they appear to be a worthy addition to the National Refuge system. We will want to hear more this morning about the importance of the Basin area for wildlife.

The principal focus of our review, undoubtedly, will be on those provisions of the bill that differ from other legislation enacted by the Congress to establish National Wildlife Refuges. One such provision of the bill may establish the refuge by allowing the Port of Grays Harbor to transfer ownership of lands to the Fish and Wildlife Service in exchange for mitigation credits that could be used to offset the impacts from future wetland development activities by the port under section 404 of the Clean Water Act.

The testimony by our witnesses today, I hope, will help us understand whether this method of acquisition has any important policy implications for future establishment of National Wildlife Refuges and for future protection of wetlands under section 404. We welcome you all here and look forward to your testimony.

Senator Chafee is unable to be here this morning, we have his statement and it will be placed at this point in the record.

[Senator Chafee's statement follows:]

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S SENATOR FROM THE STATE OF RHODE ISLAND

Thank you, Mr. Chairman. I am pleased to see that we are holding this hearing and considering the creation of a new wildlife refuge in the State of Washington. The creation of refuges and the preservation of open space is one of the more pleasant responsibilities that we have on this committee. I am all for new refuges and think we should move forward with this proposal as quickly as possible.

However, there is a problem here. In recent years, I have noticed a disturbing trend. More and more frequently, we are seeing landowners and neighboring industries demanding concessions and special treatment in exchange for not opposing the creation of a refuge. The bill before us today reflects that trend.

We have to consider these demands on a case by case basis. At the same time, we have to consider the national implications. For example, as you know, Mr. Chairman, I have been particularly interested in wetlands protection and the Clean Water Act's section 404 program. The bill before us presents a new legislative concept in connection with the 404 program—mitigation credits—and asks us to sanction such credits.

I am not sure that is such a good idea, particularly as presented here. As I read the proposal, the Secretary of the Interior is authorized to buy wetlands for this refuge. Alternatively, he can accept a "transfer", presumably in the form of a donation. But the donation is not for free. In exchange for agreeing to preserve these wetlands, the landowner gets a credit that he can use to destroy other, as yet unidentified, wetlands some time in the future. That doesn't strike me as much of a deal.

Another troubling idea that has been discussed in connection with this refuge proposal is special treatment for "contagious lands". As presented, that is a vague concept that starts us down a slippery slope.

Mr. Chairman, I look forward to the testimony and working with our colleagues from Washington. I am confident that we can resolve these problems and move forward with a bill to create this refuge in short order.

Senator MITCHELL. I am particularly pleased to welcome three of our distinguished colleagues, the two Senators from the State of Washington and Representative Bonker. Good morning, gentlemen. Welcome, and we will begin, Senator Evans, with you. We look forward to hearing from you.

STATEMENT OF HON. DANIEL J. EVANS, A U.S. SENATOR FROM THE STATE OF WASHINGTON

Senator EVANS. Thank you, Mr. Chairman. First I would ask that my full testimony be inserted in the record in full.

Senator MITCHELL. That will be done.

Senator EVANS. Mr. Chairman, Bowerman Basin is a fascinating area, fascinating in that we are attempting to protect it for environmental use, and for the use of the millions of shorebirds and other birds which use that area for migration purposes. Interestingly enough, a pretty fair share of the area we are now attempting to set aside was created by dredge spoils, as the channel was constantly dredged in past years. Prior to the passage of the Clean Water Act, spoils were pushed up into an area that then was low water area, and tidal flats essentially were created.

Now those tidal flats have taken on a natural state of their own and, of course, are home to these millions of birds. That does not apply to the whole basin but to an interesting share of it.

Thirteen years ago, at the instigation of Senator Jackson, the regional planning effort was established in Grays Harbor. He pro-

posed legislation that established the Grays Harbor Regional Planning Commission to determine which areas of Grays Harbor should be protected and which would be appropriate for development.

It is my understanding, Mr. Chairman, that as of a day or two ago, the last local community in the Grays Harbor area approved the resulting plan, and now, every local governmental agency has approved the plan: It is now being submitted for the various Federal agency reviews.

Under the Wildlife Refuge Bill we have introduced, and which was introduced by Representative Bonker of the House of Representatives, the Federal Government will be able to acquire the principal parcel of land, in our view, without spending money. As an acquisition option, this concept allows the Fish and Wildlife Service to acquire the privately owned basin as mitigation for past or future development if the relevant Federal agencies deem that it is appropriate and is consistent with Federal clean water law. Those provisos are exceptionally important in this Act.

It is novel, yes, but I think it is sound as an alternative to protect valuable areas which are currently unprotected and where Federal acquisition remains difficult, especially with our current deficit burdened condition. Importantly, the concept of mitigation credits would be complementary to the comprehensive Estuary Management Plan, which is now being adopted.

This is a specific area with unique concerns. I feel strongly that every effort to negotiate a mitigation credit policy for the acquisition of Bowerman Basin is critical to the establishment of the refuge.

The many years of negotiations that have engaged these local, State, and Federal interests in a process begun and supported by Senator Jackson, I hope, will be allowed to come to its conclusion and perhaps be capped by this important legislation.

Let me speak to only a couple of other specific elements of the bill. Regarding the treatment of contiguous lands. I know that there is grave concern by local constituencies and industries that the off-site impacts which may occur due to the establishment of the Refuge, be very carefully considered in recognizing this legislation. Previous legislation regarding the Grays Harbor Wildlife Refuge included language that would have clarified that the authorization of the Refuge does not grant, in itself, the Secretary of the Interior extraterritorial jurisdiction.

Designation of the Grays Harbor National Wildlife Refuge should not enable or authorize, by itself, the creation of protective buffer zones around the Refuge. I think the Committee must seriously evaluate and address this treatment of contiguous lands and offsite impacts.

Finally, Mr. Chairman, it is important to express my support for the section of the legislation authorizing the establishment of the Bowerman Basin Economic Development Fund. This would allow the Director of the Fish and Wildlife Service to promptly consult with the Fish and Wildlife Foundation, to request the Foundation to set up a separate account strictly for the purpose of encouraging, accepting, and administering private gifts of property for the purposes of this Act.

The Director shall, in preparing the management plan required by this Act, give special consideration to means by which he may encourage the participation and contribution of local public and private entities in the development of the management of the Refuge.

It is an interesting concept, and I would say to the Chairman that we already have a number of local entities who have expressed a considerable interest in being able to participate, to add, through gift, their own contributions to the refuge. I hope and believe that this element of the legislation will be retained.

Mr. Chairman, the House, in the last hours before adjournment of the first session of this Congress, did pass a Bowerman Basin piece of legislation. It was the result of many hours of work between those representing Senator Adams, my own office, and Representative Bonker's office. With the exception of a couple of typographical misplacements, which occurred in the passage of the Act, we believe that that does represent a good, solid way in which to approach this important issue, and to, for all times, set aside this extraordinarily important Basin for the purposes for which it should be protected.

Senator MITCHELL. Thank you very much, Senator Evans. We are pleased now to hear from our distinguished colleague, Senator Adams. Welcome, Senator.

STATEMENT OF HON. BROCK ADAMS, U.S. SENATOR FROM THE STATE OF WASHINGTON

Senator ADAMS. Thank you, Mr. Chairman. It is a pleasure to appear before your Committee, and I want to thank you and the other members of the Committee for the date and promptness with which you moved to hearing on this matter.

Mr. Chairman, I want to compliment Senator Evans and Congressman Don Bonker for their efforts over many years in this. My role is completely supportive of their efforts, but I think that too often, we do not really give credit where credit is due to people who have worked for a long time to accomplish a very important purpose. Mr. Chairman, I am pleased today to appear here in support of S. 1979, which has been sponsored by Senator Evans and myself, to create this Wildlife Refuge at Bowerman Basin in Grays Harbor, Washington. In doing so, I want to express my appreciation to all of the Subcommittee for scheduling the hearing. In the interest of saving time, Mr. Chairman, I will be brief. There are a few points I would like to stress about the bill, because I know there have been concerns about it.

First, the most fundamental point is simply this: We need a bill to save the Bowerman Basin as a prime feeding area for millions of shorebirds that migrate up and down the Pacific Coast each year. Their marathon migration typically begins in the Arctic and ends 15,000 miles south in Central or South America.

To complete that migration, they need safe staging areas, places where they can concentrate in great numbers to rest and feed. Bowerman Basin is one of only four such staging areas. As such, its preservation is vital to the survival of millions of shorebirds, and their survival is vital to our ability to preserve the environment

and protect the value of life. Mr. Chairman, this legislation would authorize the creation of a National Wildlife Refuge. I have spoken with you before, Mr. Chairman, on the necessity of this refuge. These would be lands acquired from the City of Hoquiam and the Port of Grays Harbor, thereby preserving the area from threatened commercial development.

We have asked for an appropriation of $2.5 million to acquire Hoquiam's property, to construct a year-round visitors center, and for other costs. The acquisition of the Port's lands, and I know the chairman has been interested in this, and we have discussed it at length before, is to be by purchase or an exchange of mitigation credits arising under section 404 of the Federal Water Pollution Control Act.

The validity of such credits depends upon compliance with the 404(b)(1) guidelines. Mr. Chairman, I want to assure you that this does protect the integrity of the Federal Water Pollution Control Act and the environmental concerns that this Committee has certainly carried before the United States Senate.

In addition, the bill authorizes the acquisition of up to 68 acres from the City of Hoquiam. It is expected that the Fish and Wildlife Service will perform an expedited appraisal of the property's fair market value. Senator Evans has well stated the position of the local communities, and I will not repeat that.

The preliminary appraisal by the Fish and Wildlife Service indicated that the rough fair market value of the property is $500,000. Further, it is recognized that the lands and waters constituting the 68 acres are necessary to the integrity of the refuge. We understand the land would be purchased at fair market value, but final determination of the amount and cost of purchase will await the results of that FWS' expedited appraisal.

You will hear testimony today, Mr. Chairman, from representatives from the Port of Grays Harbor and the City of Hoquiam, who will be requesting the inclusion of a provision dealing with contiguous lands. I would hope the Committee will give consideration to this request so that future economic growth is not precluded by our protection of wildlife in the Bowerman Basin. This is a continual problem in the United States, Mr. Chairman, and it is one that we think has been dealt with fairly and very well in this bill.

Finally, I would like the opportunity, Mr. Chairman, in addition to submitting my statement, to submit the written testimony of my constituent, Ellen Pickell, who is a resident of Point New near the intended site of the refuge. Mrs. Pickell wanted to bring the Committee's attention to her opposition to the inclusion of Point New within the refuge. The Fish and Wildlife Service does not consider the inclusion of Point New necessary to the refuge, and I think I speak for my colleagues in stating that we do not believe that it is necessary, either.

I would like to ask unanimous consent, Mr. Chairman, that her testimony might be made a part of the record.

Senator MITCHELL. Without objection, that will be done. (See p. 33.)

Senator ADAMS. Again, Mr. Chairman, I want to thank the Committee for holding this hearing today, and I stand ready to assist

them in any way to help this bill along, and I ask that my statement might be included in full in the record.

Senator MITCHELL. That will be done. Thank you very much, Senator Adams.

Senator EVANS. Mr. Chairman, I just received a note saying that they are about to vote, in fact they are voting right now, on the Arctic Wildlife Refuge up in Energy and Natural Resources. They seek my presence. If I could be excused, unless there are any questions?

Senator MITCHELL. I may have some questions, Senator, but why don't I wait and ask questions of the others and submit any others I may have to you in writing, and you can answer in writing, if you would like.

Senator EVANS. Thank you.

Senator MITCHELL. Thank you very much for your testimony, Senator Evans.

Representative Bonker, welcome. We look forward to hearing from you.

STATEMENT OF HON. DON BONKER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. BONKER. Thank you, Mr. Chairman, for the opportunity to testify this morning, and I would like to thank the two Senators for their support of this pending legislation. As you probably know, this proposal comes as the result of extensive and, I might add, painstaking negotiations among all of the affected parties, many of whom are represented here today, from the Port of Grays Harbor, the City of Hoquiam, environmental groups, Federal agencies; all pulled together to make this proposal a reality, and I would like to commend them.

Mr. Chairman, this legislation is unique in two respects: one is because of the environmental values that are important to the shorebirds who need a resting stop on their migratory trips to and from the north and the south. They have found Bowerman Basin to be a unique resting place. Environmental groups all over the country support this legislation, and I think it would be a great contribution to the preservation of wildlife in the western hemisphere.

Second, there are economic values, as well, to this legislation. The Grays Harbor area is economically distressed because of the decline of timber production in the area. We have been trying to diversify the area's economy by way of tourism, and the hundreds of thousands of shorebirds do draw a number of tourists to the area, and this would be an opportunity to facilitate the growth of that tourism. The bill also authorizes acquisition of 68 acres of land from the City of Hoquiam. Funds from the sale will be dedicated to economic development on the other end of the city. So the legislation is going to help with economic programs which are vital to that area.

Mr. Chairman, I am just going to make a few points that I think are important for the record and then conclude my testimony. I would like to ask that my formal statement be included in the record.

Senator MITCHELL. That will be done.

Mr. BONKER. Bowerman Basin is an internationally important staging area that should be preserved and managed under the stewardship of the U.S. Fish and Wildlife Service. Grays Harbor, as you know, is one of the nation's four key staging areas for the millions of shorebirds involved in an annual marathon migration between Latin American wintering areas and arctic breeding grounds. Without the protection of these key refueling stops, whole species of shorebirds can be put at risk.

The legislation should be compatible with the Grays Harbor Estuary Management Plan, which, although not finally approved, has involved various agencies in a 13-year planning process. As Senator Evans pointed out, this was initiated by way of Senator Jackson's concern that we find a reasonable balance between industrial development and environmental concerns in the area. So the legislation should be compatible with that plan.

Accordingly the Port of Grays Harbor should have the option of receiving either mitigation value or money in exchange for its title to Bowerman Basin.

Timely purchase of the City of Hoquiam's property is necessary for the integrity of the refuge and for the development of the visitor's facilities.

And lastly, local interests should be protected by making it clear that the establishment of the refuge would not interfere with the rights of the property owners, a point to which Senator Adams referred moments ago, by limiting acquisition to willing seller transactions involving only the port and the city.

Mr. Chairman, that concludes my opening statement, and I will be happy to respond to questions.

Senator MITCHELL. Thank you very much, Representative Bonker. I do have some questions. You may wish to either respond orally now or provide a written statement subsequently, or both, if you choose. I leave that entirely up to you.

As you both know, the ordinary practice in establishment of the new unit of the National Wildlife Refuge System is simply to enact legislation authorizing the appropriation of funds to acquire the property. Let me ask, first, it is fair to say that this legislation goes beyond that; it is intended to do more than that, that simple mechanism? The principal additions are the exchange of lands for mitigation credits with respect to future activities by the port. So I think the logical first question is: What specifically does the Port expect to be able to do in the Grays Harbor estuary in exchange for donating the 1,711 acres?

Mr. BONKER. Under the legislation, the port would reserve the option, through negotiations with the Fish and Wildlife Service, to accept payment for the land involved at whatever the assessed value is. Alternatively, the Port could negotiate an agreement with Federal agencies to get wetlands mitigation credit for past or future obligations. This, of course, would have to be consistent with Federal wetlend laws and policy.

We want to presume both options for the port depending on what they see as in their best interest, and also, depending on what the Fish and Wildlife Service would be negotiating to ensure that we retain integrity of federal wetland mitigation policy

Senator MITCHELL. Does anybody have any idea whether we are talking about one acre of wetlands mitigation, 100 acres, 1,000 acres, 1,711 acres? Is there any way of attempting to define what it is that is expected to occur?

Mr. BONKER. Some seventeen hundred acres are recognized in the pending bill.

Senator MITCHELL. To be donated to become part of the refuge?

Mr. BONKER. Yes.

Senator MITCHELL. In exchange for which there will be mitigation credits affecting future activities in wetlands in the area.

Mr. BONKER. Yes, but the mitigation credits could be applied to past or future obligations.

Senator MITCHELL. My question is: Is anybody able to define, I repeat, I think you may want to submit something in writing on the subject, but is anybody able to define what we are talking about in terms of the areas of wetlands to be the subject of the mitigation credit?

Senator ADAMS. That will be defined, Senator Mitchell, in greater detail. We will answer that in writing, but it will be defined by other witnesses. But I think the fundamental point that has been put together in this legislation is that these lands that are involved in mitigation credits will be subject to the 404(b) guidelines, so that the whole package for the Harbor will be maintained so that the integrity of the refuge is maintained, and that any development that occurs out of an exchange of credits instead of cash will be used in a manner that is compatible with the refuge and compatible with the city maintaining its existence both as a port and, as Congressman Bonker so well pointed out, to develop a tourist center and attraction, which is an attempt to diversify a very economically-depressed area.

So they will be describing in detail the plan, but we will also submit precise information to you on what our feeling about it is. We think it is a very important step for this area, because we have had enormous unemployment in this Grays Harbor area.

Senator MITCHELL. I would like to ask each of you gentlemen one further question, and Senator Evans, I ask you to respond to this in writing at a later time after you have had a chance to review it. One of the subsequent witnesses is Mayor Shrauger. In her testimony she asks, very specifically, on behalf of the citizens of Hoquiam, that the following statement be included in the final version of the bill.

> It is the intent of this Act that no Federal agency shall impose any additional restrictions on uses of lands contiguous to the refuge than those restrictions which would otherwise have been appropriate in the absence of the Bowerman Basin National Wildlife Refuge.

At least at first glance, it would appear that insertion of that language would render, for example, the Environmental Protection Agency powerless to deny permits under the Clean Water and Clean Air Acts based on the effects of discharges and emissions on the refuge. There is no parallel authority existing anywhere today with respect to other refuges, and I would like to ask you, if you would, upon consideration and deliberation, perhaps consultation, tell us whether you believe that such language should be included in this. Because, understand if we put this in, then the EPA

couldn't do here what it can do in areas adjacent to every other refuge. It is denying a permit based upon the adverse effect of the discharges by the permitee affecting the refuge.

If you want to respond now, fine, or both now and in writing.

Mr. BONKER. Mr. Chairman, you point to what is a concern on both sides, and hopefully, we can find an acceptable way to deal with it in the bill. My original bill did include explicit language in this respect, and the House Committee preferred that it go into the report rather than in legislation itself. It would not be my intent to preclude other Federal agencies from carrying out their responsibilities pursuant to Federal clean air and clean water requirements. But we did not want the legislation to have the apperance of providing new authority to deal with contiguous lands by way of environmental regulation. In other words, we would not want to preclude other agencies from doing their normal work. On the other hand, we did not want to see the legislation bring with it new authority or new opportunity for Federal agencies to expand their regulatory jurisdiction into contiguous lands, so that is what we need to negotiate and resolve in this proposal.

Senator MITCHELL. I thank you both very much, and I commend you, again, for your work in this area, and we will be pleased to work with you in seeing if we can be of some benefit to the future of the area.

Senator ADAMS. Thank you very much, Mr. Chairman. We appreciate it.

Senator MITCHELL. The next panel of witnesses are Mr. Steve Robinson, Deputy Director, U.S. Fish and Wildlife Service, and Mr. David G. Davis, Director, Office of Wetlands Protection, Environmental Protection Agency.

Good morning, gentlemen, we appreciate your being here. We look forward to hearing from you. Mr. Robinson, we will begin with you.

STATEMENT OF STEVEN A. ROBINSON, DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

Mr. ROBINSON. Good morning, Mr. Chairman. My name is Steve Robinson, and I am the Deputy Director of the Fish and Wildlife Service. With me here today is Dave Stout, the Field Supervisor for the Service in Olympia, Wash., who has worked on this project for several years. I am pleased to be here to present the Administration's views on S. 1979, a bill to establish the Grays Harbor National Wildlife Refuge. More specifically, as you requested, I will discuss the relationship between Fish and Wildlife Service mitigation policy and planning efforts at Grays Harbor.

We recommend against enactment of Senate Bill S. 1979.

We do not believe that national priorities would be met through the establishment of this area as a National Wildlife Refuge. Since the Port of Grays Harbor and the various local governments are the intended beneficiaries of any development activities which might be permitted after adoption of the Grays Harbor Management Plan, we believe it is appropriate for those agencies to assume the responsibility for providing the primary protection for the area. Moreover, the Bowerman Basin does not rank as a high

national priority on the Service's Land and Water Conservation Fund acquisition list, and such discretionary land acquisition runs counter to the Administration's deficit reduction goals.

Bowerman Basin, the area in which the proposed refuge would be located, is a Pacific Coast migratory waterfowl and shorebird stop-over area, with a spring peak of over one million birds. It provides habitat for migrating and winter shorebirds and waterfowl and, in turn, is used by the endangered Peregrine falcon. About six falcons continue to use the area of the proposed refuge.

S. 1979 proposes to treat the area transferred to the Department as meeting, in whole or in part, mitigation obligations of the Port of Grays Harbor arising under Section 404 of the Federal Water Pollution Control Act, subject to compliance with the guidelines issued for implementation of the Act.

In addition, the Secretary would be authorized to acquire up to 68 acres of lands and waters owned by the City of Hoquiam.

In 1976, after extensive controversy over the issuance of two permits under Section 404 of the Federal Water Pollution Control Act for filling of wetlands in Grays Harbor, the Grays Harbor Regional Planning Commission initiated development of a plan. This plan was intended to balance economic development with resource protection for the estuarine ecosystem associated with Grays Harbor. Determination of necessary mitigation measures for desired future filling of approximately 500 acres of wetlands for port expansion purposes was an important goal of that plan.

In 1980, with the Plan still under development, the Port of Grays Harbor signed a letter of agreement with the Fish and Wildlife Service regarding a 45-acre fill commonly known as the "Kaiser fill".

The Port agreed that if the plan was not ratified by September 1, 1982, and they had not secured a tenant for the filled area who would use the site for energy-related, water-dependent purposes, they would engage in mitigation measures.

One option would be for the Port to enter into a letter of agreement with the Service to carry on normal functions within the framework of the unapproved plan. If this did not occur, the Port would either remove the fill and restore the site to as near its preexisting condition as possible, or agree to work out a suitable mitigation plan.

The Service, in turn, agreed that adoption and implementation of the plan would constitute mitigation for the Kaiser fill.

In 1982, the Service entered into a supplemental agreement with the Port, acknowledging that delays in approval of the Plan were beyond the Port's control, and the supplemental agreement extended the deadlines from the original agreement until September of 1984.

Discussions between the Service and the Port have continued regularly since that time. Because the plan was progressing and there was no evidence of bad faith on the part of the Port, we did not invoke the requirements for specific mitigation measures. In 1987, we declined an offer from the Port to enter into a Letter of Agreement pursuant to the earlier agreement since the Plan was nearly completed. It is our understanding as of this morning, that all of the local governments have approved the plan.

The Service holds, consistent with the 1980 agreement, that adoption and implementation of the Plan by all the involved State and local entities would constitute mitigation for that 45-acre fill and that failure to do so would require fulfillment of the alternative mitigation requirements of the original agreement.

The Management Plan proposes to designate the Bowerman Basin as a natural conservancy area, and it is our understanding that the local agencies developing the Plan intend protection of this area to be used as compensation for future activities subject to section 404.

The Plan proposes transfer of three acres of wetlands in Bowerman Basin to either the Washington State Department of Game or the Service to use in return for each one acre of wetlands elsewhere in Grays Harbor which is approved for filling under section 404.

The concept of mitigation banking has caused confusion and, I would certainly assert, false hopes regarding permit application approvals in the past. Therefore, I would like to be quite explicit, Mr. Chairman, as to the Service review policy for any future permit application in Grays Harbor. Both the Service and the Corps have indicated that adoption of the Plan will greatly facilitate review of future applications for permits under section 404. It has also been stated very clearly that any such applications still will require specific environmental reviews under the various applicable Federal laws. The determination of any necessary mitigation measures, including enhanced protection of wetland areas, will be made in the course of these project-specific reviews.

If it is determined that protection or enhancement of a specific acreage of wetlands is an appropriate mitigation measure for any given permit application, there is no reason why the area set aside could not be counted toward that figure. However, we can make no determination in advance that the environmental damage that could be caused by any given permit application can, in fact, be mitigated. We do not know that at this point in time.

If mitigation is possible, we also cannot determine in advance that protection or enhancement of wetlands will be the appropriate measure; or, that we would consider the 3-to-1 ratio of protection to fill contained in the Plan as appropriate for any given situation.

We simply don't have the specifics now in order to make that judgment. I want to be quite clear on this point. Neither adoption of the Plan nor donation of Bowerman Basin to the Service or the State can substitute for project-specific reviews. We do not believe the language in section 4(c)(2) of the bill would affect our position on this matter, given use of the term "may consider" in reference to use of the area for mitigation purposes.

That concludes my prepared testimony, Mr. Chairman, and I will be glad to answer any questions the Committee may have.

Senator MITCHELL. Thank you, Mr. Robinson.

Mr. Davis, welcome. We look forward the hearing from you this morning.

STATEMENT OF DAVID G. DAVIS, DIRECTOR, OFFICE OF WETLANDS PROTECTION, ENVIRONMENTAL PROTECTION AGENCY

Mr. DAVIS. Good morning, Mr. Chairman. I am David Davis, Director of the Office of Wetlands Protection, U.S. Environmental Protection Agency. I am here today at your request to discuss the potential policy implications for section 404 of the Clean Water Act that may result from enactment of section 4(c)(2) of S. 1979, a bill to establish Grays Harbor National Wildlife Refuge in the State of Washington.

My prepared comments this morning will focus on addressing the three questions raised in your letter, Mr. Chairman, requesting EPA's participation here today. These questions relate to EPA's role in the implementation of the section 404 permit program and more specifically, how S. 1979 may affect the application of EPA's Section 404(b)(1) Guidelines in the review of past and future projects involving discharges of dredged or fill material in wetlands and other waters of the Grays Harbor estuary.

In that regard, I believe it is important at this point to briefly clarify EPA's responsibilities under section 404 in order to put my specific remarks in the appropriate context.

The section 404 permit program regulates discharges of dredged or fill material into the waters of the United States, a term which includes most wetlands. The Corps of Engineers is given the responsibility under the Act to coordinate the review of permit applications and, based on this review, to decide whether a particular permit should be issued. The Act requires that in making this decision, the Corps apply the environmental criteria contained in the section 404(b)(1) guidelines which are developed by EPA in conjunction with the Department of the Army.

During the permit review process, EPA provides the Corps with advice and recommendations regarding environmental effects under the guidelines. The Corps considers these comments in conjunction with their own evaluation and the comments of other agencies and the public in reaching a permit decision.

In those instances where disagreements develop between EPA and the Corps, EPA may request that the decision to issue a permit be elevated to the Assistant Secretary of the Army, under the terms of a Memorandum of Agreement pursuant to section 404(q).

EPA is also given the final authority under section 404(c) to restrict or prohibit the use of a wetland site for the discharge of dredged or fill material after making a determination that such a discharge could result in unacceptable adverse effects.

Section 404(c) gives EPA the authority to prohibit the use of a wetland area when we determine that the discharge will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas, including spawning and breeding grounds, wildlife, or recreational areas.

Having discussed how the section 404 program is implemented, I would like to address each of your questions now.

The first question is,

Would the transfer of lands and waters to the U.S. Fish and Wildlife Service by the Port, as compensation for the effects of past and future discharges in other wetlands, obviate section 404 permit evaluation by EPA in the analysis of alternatives and rebuttal of presumptions under the 404(b)(1) guidelines?

It is my reading that there is nothing in either the proposed legislation or the draft Grays Harbor Estuary Management Plan that would obviate the requirement to complete a thorough analysis of all permit applications under the 404(b)(1) guidelines, including an evaluation of potential project alternatives and a consideration of applicable presumptions against discharge.

However, wording in the bill is sufficiently vague to require some qualification of my response. The current language in section 4(c)(2) alternatively suggests that Grays Harbor wetlands transferred to the U.S. Fish and Wildlife Service may serve to satisfy either "mitigation obligations" or "mitigation credits."

It is not clear to EPA whether any significance should be attached to these language differences and, if so, what the significance of this distinction may be. This terminology raises questions about whether the bill refers to past or future projects, or both, whether the establishment of the refuge is to serve as mitigation for a specific past fill project in Grays Harbor, or whether the legislation is intended to address something other than the establishment of a National Wildlife Refuge.

Question two asks:

> Under section 4(c)(2) of S. 1979, would the Port of Grays Harbor continue to be required in section 404 permit applications to first avoid impacts and minimize, rectify and reduce, over time, impacts that cannot be avoided before the transfer of lands and waters by the Port would be considered as compensation for any remaining impacts?

My interpretation of this section of the bill is that it stipulates that the use of the proposed refuge as mitigation is predicated upon compliance with the section 404(b)(1) guidelines. The guidelines clearly establish a requirement that no discharge will be permitted unless steps have been taken to mitigate potential adverse effects associated with the discharge. In that light, the answer to the Chairman's question is "Yes", the Port would be required, under the guidelines, to mitigate any potential impacts connected with the proposed discharge.

As you may know, mitigation is an issue that we are currently seeking to resolve with other Federal agencies and one that, in the meantime, we will continue to address through the permitting process on a case-by-case basis.

Lastly, the Chairman's letter asks:

> Do the section 404(b)(1) guidelines address the subject of mitigation credits and provide sufficient safeguards to ensure that use of such credits will not facilitate a net loss of wetlands or encourage preservation of existing wetlands as compensation for destruction of other wetlands?

The guidelines do not specifically address the subject of mitigation credits, such as the establishment of wetland banks, to compensate for future permitted wetland losses. EPA has concerns about the viability of the concept of wetland banking because of its still experimental nature and uncertain results. We also do not generally consider preservation, per se, as a form of mitigation, because the consequence is a net loss of wetlands.

On the positive side of the issue, wetlands preservation practices, as one of many tools available, can be of great value in assuring the protection of critical wetland resources. In addition, management practices associated with refuges, parks and other preserved

areas frequently enhance existing functional values, such as habitat, and provide new or expanded opportunities, such as recreation, that can make preservation an appropriate, even necessary approach to protecting our Nation's remaining wetlands. But preservation in and of itself is not a legitimate alternative to true compensatory mitigation involving enhancement, restoration, or creation.

In considering S. 1979, we have focused on the concerns raised by your specific questions and the potential burden this bill may place on the consistency and effectiveness of the regulatory process of the Clean Water Act.

Regarding the establishment of a National Wildlife Refuge, we defer to the Department of the Interior. Thank you, Mr. Chairman. That concludes my formal remarks.

Senator MITCHELL. Mr. Davis, thank you. The portion of the statement you just read on page 3, you noted that the use of the terms "mitigation obligations" and "mitigation credits" in the bill, in your words, raises questions about whether the bill refers to the past or future projects, or both, and whether the establishment of the refuge is to serve as mitigation for a specific past fill project in Grays Harbor.

I have two questions. The first is, the establishment of the refuge is meant to serve as mitigation for future unspecified wetland fills as well as the past specific projects. Would such a provision be consistent with EPA's 404(b)(1) guidelines?

Mr. DAVIS. Mr. Chairman, it could be consistent with the 404(b)(1) guidelines so long as the particular structure that was referred to earlier of each project requiring project-specific review and the requirement for full compliance with the guidelines be maintained as provisions, in the final legislation.

Senator MITCHELL. What are the requirements of the 404(b)(1) guidelines with respect to mitigation?

Mr. DAVIS. The guidelines themselves do not have what one might call extensive mitigation requirements in them. There is a general requirement to avoid, where possible, wetland damage by seeking alternatives that either avoid such damage or lessen it, and there is a requirement, as well, that once having chosen the least damaging alternative and otherwise minimizing the impacts as much as possible, one should still take any steps that are appropriate and practicable to compensate for the damage that is unavoidable.

There is some further discussion in the guidelines of what steps mitigation can include, but the truth of the matter is, the guidelines are not highly specific about how mitigation will be carried out. That is the subject of on-going discussions within the Federal agencies. We are trying to establish a common process in that area.

Senator MITCHELL. Mr. Robinson, does the Fish and Wildlife Service's policy on mitigation address the subject of credits for future unspecified wetland fills under section 404?

Mr. ROBINSON. Mr. Chairman, we do not look upon mitigation credits as a part of our mitigation on-going policy. We don't factor them into project review. As we said before, each of these projects has to be dealt with on a specific case-by-case basis, and the equation for mitigation has to be developed accordingly.

When you talk about mitigation banking, mitigation credit, you are basing the approval or the rejection of a project on that; you are in essence, taking someone's word on questions we don't have answers for at this time. We don't have the information to make a judgment.

So mitigation banking is not really a part of our policy. However, that doesn't mean that what is called for in this bill can't, at some time in the future, serve as mitigation in whole or in part.

Senator MITCHELL. Mr. Davis has just said that EPA does not regard preservation of land by transferring ownership to be acceptable as mitigation for wetland fills. Is your policy the same?

Mr. ROBINSON. That is our policy also, Senator, yes.

Senator MITCHELL. What is the Service's view of the requirements of section 7 of this bill, that the Director consult with the National Fish and Wildlife Foundation to request that the foundation set up a separate account for the purpose of encouraging, accepting, and administering gifts for this refuge?

Mr. ROBINSON. Mr. Chairman, we don't have a problem with doing that. We do, however, question the necessity for doing it. The Fish and Wildlife Service is capable of accepting any donation that is called for in this legislation under present laws.

But again, we would have no problem with doing it through the Foundation. We work with them on a continuing basis on a lot of other matters.

But as far as the Fish and Wildlife Service's ability to accept this kind of donation or this type of funding, we have laws on the books to do it right now.

Senator MITCHELL. Your work has been in other areas. Is there any comparable provision with respect to any other refuge where you request the Foundation to set up separate account?

Mr. ROBINSON. I know of none. This would be a new responsibility for them, as far as I know.

Senator MITCHELL. Thank you very much, gentlemen. I appreciate your testimony. You have been of great help to us in considering this matter.

The final panel consists of four persons: Mr. Stan Lattin, Director of Planning and Economic Development, Port of Grays Harbor; The Honorable Phyllis Shrauger, Mayor of the City of Hoquiam; Mr. David Ortman, Conservation Representative of Friends of the Earth; and Mr. William C. Reffalt, Program Director of the National Wildlife Refuge. I would ask you all to please come forward.

Good morning, Mayor Shrauger, and gentlemen. Welcome. I look forward to your testimony, and we will begin in the order that you appear on the agenda with Mr. Lattin. Mr. Lattin, before you start, let me advise the witnesses who may not be familiar with the rules of the Committee; your written statements will be placed in the record in full. We ask that you summarize and you limit your oral remarks to 5 minutes so that there can be time for questions and exchanges between witnesses.

This panel of lights before me gives you some help in determining how long you can go. It is just like a traffic light. Green means go ahead; orange means slow down; and red means stop.

Thank you. We look forward to hearing from you. I apologize, Mr. Lattin, for interrupting you.

STATEMENT OF STAN LATTIN, DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT, PORT OF GRAYS HARBOR

Mr. LATTIN. Mr. Chairman, my name is Stan Lattin.

Senator MITCHELL. Can I interrupt you one more time, Mr. Lattin, because I want to recognize the presence of our distinguished colleague, Senator Durenberger from Minnesota, who has been in and out. I wanted to make certain that he has an opportunity to make an opening statement, if he wishes to do so, or have one placed in the record.

Senator DURENBERGER. Mr. Chairman, thank you very much for the opportunity, but I will defer.

Senator MITCHELL. You will defer. All right, thank you. Mr. Lattin, I promise you, I won't interrupt you again.

Mr. LATTIN. As I was saying, I am the Director of Planning and Economic Development for the Port of Grays Harbor. As you have heard, the Port owns some 1,700 acres of the proposed wildlife refuge.

I thank you for the opportunity to submit a prepared statement, and I appreciate that you will put that into the record. The Port of Grays Harbor is in support of the creation of a wildlife refuge at Bowerman Basin with this proviso, and that is that it can be accomplished in a manner consistent with the Grays Harbor Estuary Management plan.

As you have heard, the Grays Harbor Estuary Management plan, and if I may refer to it as the plan, has been in preparation for 13 years. It started in 1975 at the strong urging of Senator Jackson. It was the Senator's notion that local, State, and Federal agencies could get together and could work together to create or to develop a plan which would guide future actions on Grays Harbor and to resolve conflicts.

The product of the Senator's vision is this document, or this is a copy of the document. As you have heard, it has been adopted now by all of the local governments who are affected by the plan. This particular, the final version of the plan, was finalized in 1986. It represents a delicate balance that provides protection for the valuable coastal resources in Grays Harbor and also provides some opportunity for future development. Both the guidelines for the Clean Water Act (the 404 guidelines) and the Coastal Zone Management Act recognize the preparation of this sort of a plan and call it a special area management plan.

The proposed refuge is in an area which received more attention by the estuary planning task force than any other area in Grays Harbor. In light of this plan, we have two areas of concern over the proposed legislation which I would like to discuss. The first area of concern deals with the concept of mitigation credits.

Clearly, the planning task force envisioned that the transfer of lands by the Port to a State or Federal agency would result in mitigation for certain specified fill projects in Grays Harbor. These are set forth very clearly in the plan. The provisions of S. 1979, while addressing mitigation, does not provide the Port, we don't feel, with the same level of assurance that the mitigation credits given through this process of land transfer, will be those that were

agreed to by the planning task force in the preparation of this document.

Our other area of concern is over the possibility that the refuge may begin to dictate how adjacent and nearby lands can be used. The plan, again, envisions a situation where the refuge would coexist with its industrial neighbors. The task force clearly intended that certain contiguous lands be used for industrial purposes. This is a very important point for Grays Harbor.

We have suffered some very heavy hits to our economy in recent years, and it is crucial to us that we establish, in this legislation, congressional intent regarding the integration of this refuge into our industrial economy.

This is a critical point for Grays Harbor in that during the last 5-year period, between 1981 and 1986, our job base declined by approximately 27 percent. Our unemployment rate is typically above that of the State of Washington and above that of the Nation. We have a desperate need to diversify our economic base and attract new industries which can employ our labor force.

The plan is a mechanism, we believe, to provide us with the guidance to be able to site those new industries. It is crucial to us that we have a clear understanding of what the congressional intent is in this regard. We can ill afford to have a refuge become an overriding factor in future land use and air and water quality decisions on Grays Harbor.

Early drafts of the refuge bill, as you have heard from Congressman Bonker, contain language dealing with contiguous lands. We urge that this kind of language be reinstated. On both of the issues of concern, we are prepared to work with your staff to find acceptable ways to address these concerns.

Mr. Chairman, in closing, I want to assure you that it is not our intent to try to bypass 404 guidelines or the Fish and Wildlife Service mitigation policy through either the estuary management plan or through the changes that we are seeking in this bill.

If I may, Mr. Chairman, there was a question asked of the congressional delegation about specific projects which could be mitigated. If I may respond to that, we have heard from the Fish and Wildlife Service that the ratio of mitigation to fill is 3 to 1. Actually, the plan specifies 3.4 to 1 for very specific projects that are identified in the estuary plan. These are areas which were determined by the planning task force to have a lesser environmental or habitat value and therefore, were the areas designated for and determined to be suitable for future industrial development.

Clearly, we understand we will go through the permit process under 404. Clearly, we will have to address the question of need for those sites before fill would be allowed, and ultimately, we have to address the question of mitigation. We believe the plan goes a fair distance with particularly mitigation from the transfer of lands of Bowerman Basin towards mitigating of those properties.

The basin itself was determined to be an area of extraordinary resource value, and therefore, it was set aside, and hopefully, will provide that level of mitigation.

Thank you, Mr. Chairman. I will be happy to respond to questions.

Senator MITCHELL. Let me just see if I understand your last comment. Are you saying that in your plan you identify the areas with respect to which the future mitigation credits will be used?

Mr. LATTIN. That is right.

Senator MITCHELL. Do you have any objection to putting that in the bill, if you have identified it?

Mr. LATTIN. I would say that would be ideal, from our perspective, if that could be precisely tied down. I do have an area of concern in that regard, and that is that times change; things change; endangered species are discovered, and therefore, this plan is not cast in bronze.

There is a mechanism in the plan for the task force to reconvene on an annual basis for a review of the document and on a 5-year basis for an overall overhaul of the document. My concern is that if you put the specific areas in the legislation, we may have to come back to Congress if it is determined by that same task force that the plan should be amended.

Senator MITCHELL. What I was thinking was not approving the mitigation plan, but identifying the areas within which mitigation credit could be sought to apply. Thank you very much.

Mr. Ortman, welcome. We look forward to hearing from you.

STATEMENT OF DAVID ORTMAN, NORTHWEST REPRESENTATIVE, FRIENDS OF THE EARTH

Mr. ORTMAN. Thank you. I do have a written statement, and I will summarize my remarks. My name is David Ortman, Northwest Representative for the Friends of the Earth in Seattle, Washington. I appreciate the opportunity to testify. I would also like to express my thanks to Senator Mitchell and Senator Chafee for their continued leadership in wetland protection efforts, and to thank Senator Bonker from Washington for his steadfast effort in obtaining House passage of the Grays Harbor National Wildlife Refuge Bill.

I would like to recognize Janet Anthony with Friends of Bowerman Basin who is here today. Janet grew up in the Grays Harbor area and has worked hard building local citizen support for a National Wildlife Refuge. She has organized a Festival of Shorebirds each spring before the shorebird mitigation which has become an annual event in Grays Harbor.

I would also like to ask that the following written statements in support of a Grays Harbor National Wildlife Refuge from approximately 30 citizens in Washington, Oregon, California, Pennsylvania, Nebraska, New Mexico and Maine be entered into the hearing record, if that would be appropriate.

Also, at its board meeting on Tuesday, the National Coast Alliance passed a supporting resolution, and I will leave with the Subcommittee copies of petitions in support of the Bowerman Basin and the Point New National Refuge signed by nearly 2,000 persons from Grays Harbor, the State of Washington, and visitors from all over the U.S. who have come to watch the shorebird migration. There is consensus in the scientific community, the conservation community and the entire Washington Congressional Delegation that Grays Harbor is an important estuary and that a Grays

Harbor Refuge should be added to the national wildlife refuge system.

There is a growing national concern about continued wetland loss in this country. In October of last year, citizen representatives from our nation's sounds, bays, and Great Lakes met in Rhode Island to forge an agenda for our coasts. Among the five most pressing issues was the need to not only stop wetland filling, but to restore and increase wetland habitat areas. I have proposed that we redefine the word wetlands. We believe they should be called "water meadows".

Senator MITCHELL. Redefined as what?

Mr. ORTMAN. Redefine the word wetland.

Senator MITCHELL. To what?

Mr. ORTMAN. To call them "water meadows".

Senator MITCHELL. Water meadows?

Mr. ORTMAN. Water meadows, habitats which are productive in their own right and do not need human development in order to provide human benefits. The plight of migratory shorebirds and water meadows is an international concern. My statement references several articles and reports on this subject. Thanks to the work of Dr. Steve Herman of Evergreen State College, and his students, we now know the value of Bowerman Basin. Dr. Herman, when asked, "What is a shorebird worth?" replied, "I don't know, why don't we ask Boeing how much it would cost to build one?"

The details of the nearly 4,000 acres of aquatic habitat modification, due to a congressionally-authorized navigation channel in Grays Harbor, as well as the filling of its wetlands and shorelines by the Port, is also documented in my written testimony.

In our view, the House-passed bill represent a carefully-crafted compromise between outright condemnation of these wetlands and the Port's scheme to acquire mitigation credits for further wetland filling in the estuary. We agree with Dr. Rutherford Platt's conclusion in a recent article in Environment.

> Outright purchase of Bowerman Basin by Fish and Wildlife Service is proposed in three bills in Congress, and such an action, if approved, could cut the Gordian knot of Grays Harbor and allow the uncontroversial elements of the estuary plan to be expediently adopted.

Let me close with another story of habitat and endangered species. I grew up in eastern South Dakota. During the mid-sixties, each fall my father and I would go hunting on a ranch in the West river area of that state. Black-footed ferrets, the most endangered North American mammal, had been spotted living in a prairie dog town on this ranch.

Early one morning, we got up and went out to this prairie dog town and Jim Carr, the rancher, described how U.S. Fish and Wildlife biologists were studying and researching the ferrets. "Like that one?" I asked.

Out of a prairie dog hole near our pickup truck, a black-footed ferret's head emerged like a periscope and peered at us. Seeing an endangered species like the black-footed ferret was a remarkable event. Unfortunately, the story did not have a happy ending. Shortly afterwards, the rancher was forced to liquidate his land holdings. He tried to interest the U.S. Fish and Wildlife Service in acquiring the property as critical habitat for the black-footed ferret.

But in the 1960s, endangered species were not a priority. Or perhaps it was too expensive. Or perhaps there was political opposition within the Department of Interior. Whatever the reason, a neighbor purchased the ranch, poisoned off the prairie dogs and, presumably, the black-footed ferrets, as well. To my knowledge, none are currently known to exist anywhere in South Dakota.

In Grays Harbor, it is not too late for the endangered Peregrine falcon and the migratory shorebirds which depend upon a few critical stepping stones such as the Bowerman Basin. Let us not leave the job of providing permanent protection undone. Thank you for the opportunity to testify. We strongly encourage the Subcommittee to support swift passage of the House-passed bill.

Senator MITCHELL. Thank you, Mr. Ortman.

Mayor Shrauger, welcome. We look forward to hearing from you.

STATEMENT OF HON. PHYLLIS N. SHRAUGER, MAYOR, CITY OF HOQUIAM, WASHINGTON

Ms. SHRAUGER. Thank you, Mr. Chairman. My name is Phyllis Shrauger. I am the Mayor of the City of Hoquiam, and I would like to thank you for this opportunity to testify before you today in support of Senate Bill 1979, which creates the Grays Harbor National Wildlife Refuge.

I have come here today to represent my city. Hoquiam is a very small town of 9,400 people. Our total travel budget is $1,200. I have been a member of this council for 20 years, and this is the first time they have ever sent anybody this far on city business. I say this not to engage your sympathy, but rather to emphasize the importance that my city places upon the passage of this bill.

In my recent mayoral campaign, I personally door-belled 85 percent of the registered voters in our city, and I was truly impressed with what I found to be overwhelming support on the part of my constituents for the creation of this refuge. We view this refuge as a very positive addition to the economic redevelopment of our area.

Over the past year and a half, I have worked very closely with the former mayor, with our city council and with Congressman Bonker's staff on the creation of this bill, and I would like to take this moment to applaud the work done by Senators Adams and Evans and their cooperation in reaching agreement that is reflected in the bill. We truly appreciate that.

We support Senate Bill 1979 as introduced by the Senators. The only major concern we have is the absence of specific language protecting the contiguous lands from regulation by the managing agency.

Now, we appreciate the fact that this language was eliminated from the original bill as being redundant, because there is no such authority presently given to the U.S. Fish and Wildlife Service. But gentlemen, you must realize that this refuge is not located in a typical wilderness or in a rural area. It lies within the city limits of Hoquiam, and more importantly, it abuts our industrial area.

Indeed, the land in question has been designated for industrial development for a number of years. Right across the road, a 40-foot wide road along the eastern boundary, we have a very large saw mill and a log-sorting yard. Adjacent to that, a short way to the

south, away from that operation, we have a brand new $1 million dock that ships millions of board feed of logs each year. Our municipal sewage lagoon abuts it on the south.

In answer to your question a moment ago, we are not concerned for the immediate future under existing laws of environmental regulations, but rather, our concerns are more long-range. We ask ourselves what more stringent rules and regulations might be forthcoming in the future that would hurt our established industries.

We have no problem living with the current environmental laws or with environmental laws that are applicable to all lands. What we fear is that there will be those who will, in the future, want to put stricter environmental regulations on not only the current businesses, but new businesses coming in because you are located next to a refuge. That is our only concern.

We are willing to live with what exists to date. We just would be more comfortable if we had contiguous land protection language in the bill, and I suggest that to you in my testimony which you quoted earlier.

However, if that is not forthcoming, we would ask that, in fact, we would strongly request, that it be a part of the committee report language. The city, as a policy matter, supports the Port of Grays Harbor's request to have the bill language include transfer of this port property to U.S. Fish and Wildlife Service as meeting mitigation requirements under section 404 of the Water Pollution Control Act. We appreciate and understand the Port's concerns, but in our meetings yesterday with your staff and with Congressman Bonker, we suggested language that, hopefully, would satisfy their concerns and also the concerns of your Committee.

Again, Senator, the important thing for our city is the passage of this bill and the creation of the refuge. And I would like to thank you very much for allowing me to appear you before this morning.

Senator MITCHELL. Thank you, Mayor. We appreciate your being here. What is the population of Hoquiam?

Ms. SHRAUGER. Nine thousand four hundred. We have lost over 1,000 people in the last 5 or 6 years due to the recession and the downturn of the timber industry. We have a lot of vacant houses in town.

Senator MITCHELL. Thank you very much. Is it Mr. Reffalt?

STATEMENT OF WILLIAM C. REFFALT, PROGRAM DIRECTOR, NATIONAL WILDLIFE REFUGE SYSTEM PROGRAM, THE WILDERNESS SOCIETY

Mr. REFFALT. Reffalt.

Thank you, Mr. Chairman. I am Bill Reffalt, Director of the National Wildlife Refuge System Program for the Wilderness Society. I will just try to highlight my statement briefly.

My testimony also has the approval and support of the National Audubon Society. The Wilderness Society and the National Audubon Society strongly support the establishment of Grays Harbor National Wildlife Refuge.

There are, however, two major concerns with regard to some provisions contained in S. 1979. With satisfactory resolution of these concerns, our organizations would recommend passage of this

measure. Grays Harbor is one of the six major shelter estuaries on the Pacific coastline of the United States. The Harbor covers an area of about 60,000 acres.

In the years prior to 1975, approximately 3,800 acres of intertidal lands in the estuary were filled to support industrial development and disposal of dredge spoils. Since 1975, about 85 to 95 additional acres have been filled or severely impacted by development, principally as a result of Port Authority projects and development by the town of Hoquiam.

None of the approximately 3,900 acres lost to developmental activities have been mitigated under the provisions of section 404 of the Clean Water Act.

Although a lengthy and complex plan has been drafted under the guidance of the planning task force that was established in 1975, that plan and process leading to its completion has been controversial. No final plan has been approved as of this stage.

As far as wildlife values, the best known values in the Harbor certainly are the shorebirds that use the tidal flats as a vital energy-gathering source during migrations that may exceed 15,000 miles annually. To some species, such as the western sandpiper and dunlin, the Bowerman Basin and other selected parts of Grays Harbor would be irreplaceable elements in their annual cycle.

Beyond that, at least 50 species of fish and shelled fish and 325 species of birds utilize the natural habitat of Grays Harbor as well as mammalian and other vertebrate fauna. There is no argument that a spectacular abundance of life relies on the harbor each year and would be severely impacted by inappropriate conversion of their already diminished or degraded habitats.

Thus, the proposal to establish a refuge in portions of Grays Harbor, known to be among the premiere international wildlife habitats of North America, has genuine merit.

One of the key problem areas that we have identified in the bill has been the mitigation banking section. Section 4(c) of S. 1979 offers two approaches for the acquisition of the 1,711 acres. These tidelands and adjacent shortline can be acquired by transfer or by purchase. If the lands are transferred, the provisions of subsection 4(c)(2) authorizes the agencies responsible for the Section 404 permits to consider the transfer as meeting all or part of meeting mitigation obligations arising under 404 processes in Grays Harbor.

The "provided" clause in that subsection is attendant to require the Port authorities to continue to meet the guidelines of 404 processing.

However, in any event, as now worded, the Port is being allowed a bank account of wetlands against which they can gather future wetland conversions.

Such a policy has not previously been endorsed by the Congress and should not be in this instance. Mitigation banking not only is surrounded by scientific and policy uncertainty, but the concept has no legislative precedent, no guidelines, and in this instance, no specific proposal upon which to base guidelines. Endorsing this proposal will lead to protracted controversy and challenges.

Our recommendation would be that the Port authority, because it has yet to mitigate past filling operations, be allowed to transfer some or all of the 1,711 acres to fulfill their outstanding obliga-

tions. The remaining portion of the 1,711 acres, if any, should be purchased by the Fish and Wildlife Service, using authority granted in the Emergency Wetlands Act and this Act.

Any references to mitigation banking or credits should be deleted from the bill. As to Section 7, the development fund portion of the bill, it involves another major precedent over which we have some concerns. First, the authorities that are granted in that section are in existence today, both within the Fish and Wildlife Service and actually, in several conservation organizations. Therefore, in that sense, the bill is redundant.

But in addition to that, we think that the section goes too far in its particular reference to encouraging and involving local public and private entities in matters which, by existing statute, properly belong to the United States Fish and Wildlife Service, and that is the development and management of the refuge.

Therefore, we would recommend that section 7 be deleted from the bill because adequate authority already exists to accomplish the primary aims of that section. Thank you, Mr. Chairman. I will be happy to respond to questions.

Senator MITCHELL. Let me begin, Mr. Reffalt, by asking you that if the two sections which you request be deleted were not deleted, would you still support the bill?

Mr. REFFALT. Mr. Chairman, I think that I would have to say we could not support the bill without modification of those two sections.

Senator MITCHELL. You would not. All right. Let me ask Mr. Lattin and Mayor Shrauger if the two sections were deleted as requested by Mr. Reffalt, would you, then, support the bill?

Ms. SHRAUGER. I would like clarification of the two sections again, please.

Senator MITCHELL. The mitigation credit and the direction to the National——

Mr. REFFALT. Development Fund.

Senator MITCHELL [continuing]. To the National Development Foundation.

Ms. SHRAUGER. Do you want to respond first?

Mr. LATTIN. Well, I would say that I think it would be appalling if we throw away 13 years of effort, I don't know how many hundreds of thousands of dollars of Federal money that have gone into this planning process that set up the, I guess, the mechanism for the transfer of title and the mitigation credits. In the absence of this bill, that process will go on, anyway.

At least I believe it will. It is certainly the intent of local government to implement that plan. And therefore, these plans would, over time, and I think that is the important point, over time, come to be held, the title will come to be held by the Fish and Wildlife Service.

The important point is the creation of the refuge now has speeded up that process, and therefore, we think it is critical that the mitigation that would have otherwise accrued to the Port be, in effect, agreed to up front and banked.

I would say that without the mitigation banking, the transfer of title would not occur. It is certainly the Port's first and foremost

priority to implement the plan and to donate these lands with more mitigation credit.

Senator MITCHELL. I take that to be a "No".

Mr. LATTIN. Yes, I would say that the Port's position would be no.

Senator MITCHELL. Mayor Shrauger?

Ms. SHRAUGER. As far as the mitigation credits are concerned, they are definitely more of an issue for the Port than they are for the city.

Senator MITCHELL. They are more?

Ms. SHRAUGER. I think they are of more importance to the Port than the city. We are a part of that plan, and we approve that plan, and I don't mean to be talking out of both sides of my mouth at the same time, but what we are concerned about especially, as far as the city is concerned, are those 68 acres that are ours.

As far as the provision, as I understand his other objection, has to do with the provision that Senator Evans wanted, which is the setting up of these other entities that can participate in this. That would be of no problem to me if that were eliminated, provided, provided that the city ends up with a viable year-long center for that refuge.

We don't want some little three by four kiosk out there with a book in it. We want an interpretive center, and those are the things that we have been told would occur and that there would be a year-round interpretive center and that this would be a viable tourist attraction for us.

Senator MITCHELL. I will take your answer to be yes, you would support it even though——

Ms. SHRAUGER. Yes.

Senator MITCHELL [continuing]. The two provisions were deleted.

Mr. Ortman, what would your position be?

Mr. ORTMAN. I think Mr. Lattin has revealed the fact that without legislation, a pending Grays Harbor plan may be adopted, may not be; a controversial plan which would, in fact, set up a process which, in effect, might be considered by some people to be mitigation banking.

In our view of the House bill, we believe that the section was very carefully drawn in terms of the language concerning mitigation obligations as opposed to the Senate language, which talks about mitigation credits.

The semantics may be for others, but we would have to agree with Mr. Reffalt that if the credit language remains, it would be a bad precedent and one that we would seek to try and work out a compromise on.

Senator MITCHELL. Mr. Lattin, you referred to deleting that provision as throwing away thirteen years of effort. But is it not correct that enactment of the legislation without the specific mitigation banking provision would not preclude the Port or other agencies from proceeding with mitigation absent the legislative requirement to do so? That is, merely because the law doesn't compel you to do so, it cannot be interpreted to mean that the law prohibits you from doing so, can it?

Mr. LATTIN. That is correct. We could proceed. I think the important point is, as I stated in my testimony, this is a very carefully-

balanced program that covers the entire Grays Harbor Estuary, some 96 square miles. The provisions for mitigation flowing from the transfer of the title of that land, or the mitigation credits, would be used in various locations throughout that estuary.

It is the pulling out of the rug, if you will, of the mitigation for that transfer that would have, I think, a ripple effect on those other projects which could render the plan useless.

Senator MITCHELL. I guess I am having some trouble understanding that. There is no reason why you couldn't proceed with every aspect of the plan, but do I gather what you want is for the law, in advance, give you the assurance before you participate in the creation of the refuge?

Mr. LATTIN. As I understand the legislation right now, at the end of 3 years, the land would have—the title would have been transferred, either——

Senator MITCHELL. That is right.

Mr. LATTIN [continuing]. Through sale. We would no longer have land to, in effect, give; therefore, we would not have the mitigation that the plan intended for those specific projects.

Senator MITCHELL. Yes. In other words, if you are going to give up the land, you want to get something back, and that is the mitigation banking, and you don't want to give up the quid without getting the quo compelled in the law. Is that a fair statement?

Mr. LATTIN. Yes.

Senator MITCHELL. All right. I thank you all very much. We appreciate the interest of all concerned. I know all the members of the Subcommittee are keenly aware of the interest in the area, and did you want to say something, Mr. Reffalt?

Mr. REFFALT. I just wanted to ask a question, Mr. Chairman. During the development of my testimony, I only had parts of the plan. I would like to request that I be allowed to provide supplemental information and testimony if that would be all right.

Senator MITCHELL. Certainly.

Mr. REFFALT. Thank you.

Senator MITCHELL. The record will remain open to permit you and any other witness who wish to do that, and we commend you for your interest. The Subcommittee is keenly aware of the interest of you and other persons in the area and, of course, we want to be responsive to Senators Evans and Adams and Representative Bonker.

So we will consider this, and your testimony will be most helpful to us in that consideration. Thank you very much for appearing before the Subcommittee.

Ms. SHRAUGER. Thank you.

(Whereupon, at 11:25 a.m., the Subcommittee was recessed, subject to the call of the Chair.)

[Statements submitted for the record and the bill S. 1979 follow:]

TESTIMONY OF SENATOR DANIEL J. EVANS

BEFORE THE SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE

REGARDING GRAYS HARBOR NATIONAL WILDLIFE REFUGE LEGISLATION

February 25, 1988

Today I have come to speak as a cosponsor of legislation to establish the Grays Harbor National Wildlife Refuge in the State of Washington. The bill we are discussing today represents a carefully crafted compromise that the Washington delegation has negotiated over the last year. Importantly, the entire delegation in both Houses supports this legislation and is anxious to move it to enactment.

For many years the Bowerman Basin mudflats in Grays Harbor have been recognized internationally as a significant wildlife habitat for migratory shorebirds. These mudflats of Bowerman Basin constitute a major feeding and stop-over for shorebirds migrating every spring and fall between points as far apart as South America and Alaska. As well as the shorebirds, the Grays Harbor area supports populations of bald eagles, peregrine falcon, dunlin, geese, plovers, owls, and many other species of waterfowl. All who have experienced the biannual migration agree this is an area worthy of national recognition and protection.

For many years the destiny of Bowerman Basin has been discussed during the development of the Grays Harbor Estuary Management Plan. This regional planning effort was initiated at the urging of Senator Henry Jackson, who was instrumental in establishing the Grays Harbor Regional Planning Commission to determine which areas of Grays Harbor should be protected and which would be appropriate for development. The Commission coordinated the development of the Grays Harbor Estuary Management Plan. The planning effort was remarkable in combining the efforts of local, State, and Federal agencies. For the last several years, the commission, as well as the cities of Aberdeen, Hoquiam, Ocean Shores, Westport, and Cosmopolis, the Port of Grays Harbor, the Washington State Departments of Ecology, Game, Fisheries and Natural Resources, the Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service, have worked to develop a management plan for the estuary that will balance ecosystem and conservation goals with the social and economic interests of the community. The Estuary Managment Plan is now in its final stages of adoption.

This legislation is an attempt to complement and enhance the goals set forth in the Grays Harbor Estuary Managment Plan. The Bowerman Basin mudflats are protected under the Plan in a natural

conservancy designation. This legislation will formally designate the Basin as a National Wildlife Refuge to be protected and managed so that it may continue as an important resting stop for shorebirds on their bi-annual migrations.

Mr. Chairman, there are a few specific points about this legislation that I would like to take a moment to discuss. Recognizing that this deficit-burdened Government will have a difficult time finding the funds needed to acquire wildlife habitat, we have incorporated a mechanism to allow the Federal Government to acquire the primary parcel of land without spending limited Government funds. As an acquisition option, this legislation allows the Fish and Wildlife Service to acquire the privately-owned basin as mitigation for the Port's development activities, if the relevant Federal agencies deem it appropriate. This alternative for acquisition would be consistent with federal clean water law. While I recognize the precedential nature of such a policy I believe there are advantages in acquiring lands more quickly, providing them with management and protection in a more expedious manner.

Additionally, the legislation would establish the Bowerman Basin Economic Development Fund. Into this fund would be deposited contributions, in cash, or real or personal property,

from any non-Federal entity for development of the refuge. Through the Fish and Wildlife Foundation, these funds would be available for matching grants by the Federal Government. This will provide a way to encourage community support for enhancing the area, as well as the support from the many people outside of the Grays Harbor Area who will visit the Refuge.

By allowing contributions in kind, the amounts authorized in the bill for the construction of visitors facilities can be further augmented. Potential donations of lumber could, for example, be used to construct view points and boardwalks, or funds could be spent in an effort to attract visiting scientists, researchers, or tourists to the Grays Harbor Area to view the shorebird migration. This combination of private and Federal resources is consistent with previous efforts to forge partnerships to help educate people about, appreciate, and manage this estuary.

Bowerman Basin is one of the more spectacular wetlands on the Washington Coast. A Grays Harbor National Wildlife Refuge is critical to the welfare of migratory waterfowl and shorebirds and will provide an important habitat for fish and many other types of wildlife. I would encourage my colleagues to visit this site should they journey to Washington State, and hope that they will join me in the eventual passage of legislation establishing the Grays Harbor National Wildlife Refuge.

83-620 O - 88 - 2

STATEMENT BY SENATOR BROCK ADAMS BEFORE ENVIRONMENTAL PROTECTION SUBCOMMITTEE HEARING ON GRAYS HARBOR NATIONAL WILDLIFE REFUGE S. 1979

Mr. Chairman, I am pleased to appear before this Subcommittee today to testify in support of S. 1979, which proposes to create a wildlife refuge bill at Bowerman Basin in Grays Harbor, Washington. In doing so, I would like to express my appreciation to my colleagues on the Environmental Protection Subcommittee for scheduling this prompt hearing on the bill.

I join my colleagues from Washington, Senator Evans and Representative Bonker, in expressing my support for this bill. In the interest of saving time, I will be brief; however, there are a few points I would like to stress about this bill.

The first and most fundamental point is simply this: we need this bill. Bowerman Basin is a prime feeding area for millions of shorebirds which migrate up and down the Pacific Coast each year. Their marathon migration typically begins in the Arctic and ends 15,000 miles to the south in Central or South America. To complete that migration, they need safe staging areas, places where they can concentrate in great numbers to rest and feed. Bowerman Basin is one of only four such staging areas. As such, its preservation is vital to the survival of millions of shorebirds. And their survival is vital to our ability to preserve the environment and protect the value of life.

Mr. Chairman, this legislation would authorize the creation of a national wildlife refuge from lands acquired from the City of Hoquiam and the Port of Grays Harbor, thereby preserving the area from threatened commercial development. An appropriation of $2.5 million is authorized to acquire Hoquiam's property, to construct a year-round visitor center, and other costs. The acquisition of the Port's land is to be by purchase or in exchange for mitigation credits arising under section 404 of the Federal Water Pollution Control Act. The validity of such credits depends upon compliance with section 404(b)(1) guidelines.

In addition, the bill authorizes the acquisition of up to 68 acres from the City of Hoquiam. It is expected that the Fish and Wildlife Service will perform an expedited appraisal of the property's fair market value. A preliminary appraisal by the Fish and Wildlife Service indicated that the rough fair market value of the property is $500,000. Further, it is recognized that the lands and waters constituting the 68 acres are necessary to the integrity of the refuge. We understand the land would be purchased at fair market value, but final determination of the amount and cost of purchase shall await the results of FWS' expedited appraisal.

You will hear testimony today from representatives of the Port of Grays Harbor and the City of Hoquiam, who will be requesting the inclusion of a provision dealing with contiguous lands. I would hope that the Committee will give consideration to this

request, so that future economic growth is not precluded by our protection of the wildlife in Bowerman Basin.

Finally, I would like to take this opportunity to submit the written testimony of my constituent, Ellen Pickell, who is a resident of Point New, near the intended sight of the refuge. Ms. Pickell wanted to bring to the Committee's attention her opposition to the inclusion of Point New within the refuge. The Fish and Wildlife Service does not consider the inclusion of Point New necessary to the refuge, and I think I speak for my colleagues in stating our opposition to its inclusion as well.

Again, I thank the Committee for holding this hearing today, and stand ready to assist them in any way to help this bill along.

PRESENTATION OF TESTIMONY

on

S. 1979

before

The Environmental Protection Subcommittee

of

The Environmental and Public Works Committee

of

The United States Senate

Friends of Point New
February 25, 1988

PEOPLE OF POINT NEW TESTIMONY

This testimony is in behalf of the people and community of Point New. We have a long-term interest in this area. Mr. Dahlstrom's family has lived on Grays Harbor for generations; and he and his family have had their place on Point New for 16 years. The Pickell's have lived in the area for 21 years and owned their place on Point New for four years. Vinings have lived on Dahlstrom's property for six years since both had cancer operations and were forced into retirement. We all chose to be there because we love it and want to pass it on to our descendants. During the last several years there have been proposals to establish a wildlife refuge in the Bowerman Basin area of Grays Harbor. Some of these proposals have included our lands and homes. The threat by those proposals has already caused much trauma to all of us.

Bowerman Basin has been traditionally defined as an area close to the City of Hoquiam and even including some of the City's tidelands and other land. Since some proposals have extended these boundaries way beyond local definition and drawn "wish" lines around our homes and lands on Point New, our very great interest is obvious.

WE SUPPORT the establishment of a GRAYS HARBOR NATIONAL WILDLIFE REFUGE. However, since non-impact of contiguous lands language has been struck from S. 1979, we want to be absolutely sure the proposed refuge boundaries do not "grow" beyond those recommended by the U. S. Fish and Wildlife Service as shown on their December 1987 map (Appendix A). We have been assured by our Senators and Congressmen that Point New would not be included. We are glad that this is the intention.

Many of the local people treasure Bowerman Basin as we do as a special place and would like to see it preserved. It is similar to having a special old historical or unique home in your neighborhood that you would like to protect. But if you were to extend that protection to all the rest of the homes in that neighborhood so that the people could no longer mow their

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NOTE: The appendixes referred to in this statement have been retained in committee files.

lawns, park an automobile in their driveways, or paint their homes any color but white because in the year their home was built no other homes had these things so it would be out of character now. While it is important to protect Bowerman Basin, it is also important not to threaten adjacent landowners and their holdings or traditional uses. The boundaries on the previously mentioned F&WS map should satisfy local concerns and environmental concerns for the birds and study needs for students of the environment and others. We want to be sure the proposed GHNWLR can't grow now or in the future and "eat us up" without a specific act of Congress. We urge that Congress make it absolutely clear and without ambiguity that it is not the intent to take Point New or threaten its residents.

Point New is NOT CONTIGUOUS with the proposed refuge boundaries but is significantly removed (see Appendix B). Additionally, the U. S. Fish and Wildlife Service has stated that there IS NO BIOLOGICAL JUSTIFICATION FOR INCLUSION OF POINT NEW (see letter from the Secretary of the Interior, Appendix C and articles from the Daily World, Appendix D). We are aware of continuing pressure from some who still insist that our lands and homes should be included; therefore, we consider it of utmost importance that this testimony and the following be included for the permanent record.

Letters (Appendix E) from:

The White House

Members of the Washington State Congressional Delegation

Members of the State of Washington Legislature

Others who believe that the immediate Bowerman Basin area is sufficient environmental protection and Point New is not needed as part of the proposed refuge.

Newspaper Articles and Letters (Appendix E)
Petitions (Appendix F)

These petitions include over-2500 signatures and were gathered with ease and much local support in a 3-week period. Most of those who signed live in the area and have considerable interest in the passage of S. 1979.

They share our great concern for the integrity and preservation of private property, know where Point New is, and UNDERSTAND ITS LACK OF APPROPRIATENESS FOR INCLUSION in a refuge. Copies of the petition were given to Senators Adams and Evans and Representatives Bonker, Swift, Miller and Lowry.

Additional letters, newspaper articles and Letters to the Editor are available from the People of Point New, P. O. Box 57, Hoquiam, WA 98550. You can reach us by telephone at 206-532-7294 or 206-533-5196. We will be happy to supply any additional help or information available to us.

Thank you.

GALE DAHLSTROM
SANDRA DAHLSTROM
WILLIAM PICKELL
ELLEN PICKELL
JAMES VINING
KATHERINE VINING

PRESENTATION OF ADDITIONAL TESTIMONY

on

S. 1970

TO ESTABLISH THE GRAYS HARBOR NATIONAL WILDLIFE REFUGE

before the

ENVIRONMENTAL PROTECTION SUBCOMMITTEE

of the

ENVIRONMENTAL AND PUBLIC WORKS COMMITTEE

of the

U N I T E D S T A T E S S E N A T E

by the

PEOPLE OF POINT NEW
March 8, 1988

PEOPLE OF POINT NEW ADDITIONAL TESTIMONY Page 1

Because of the Friends of the Earth testimony presented before the Subcommittee on February 25, we cannot fail to submit this additional testimony. We still feel under attack by this individual and those he represents. Comments by this group are totally unsubstantiated and biased. Neither the report by Dobler and Spencer nor the USF&WS report referred to by Mr. Ortman were found by the U. S. Fish and Wildlife Service to contain significant data that should relate to taking private property of Point New into Federal ownership or protection.

However, Mr. Ortman told us in the Spring of 1986 that no matter what should occur, with or without any refuge proposal, they, meaning the Friends of the Earth, were going to end up with our property even though he admitted in the same personal conversation with us that we were no threat to the birds. Therefore, we feel that Point New has become some sort of personal crusade not based on facts but emotion to David Ortman.

Senators Brock Adams and Dan Evans and Representatives Don Bonker and Al Swift have spent many hours and many more hours of their staffs' time researching the bill that is now before your committee. We believe that with their total interest and intensity, they have come up with a bill that can benefit all concerned parties. We strongly support this bill as long as the refuge is limited to City and Port property only, as mentioned in Representative Bonker's "talking points".

We reaffirm that the U. S. Fish and Wildlife Service did not find our places biologically justifiable, and certainly the F&WS was aware of the two documents Mr. Ortman uses. We wish to remind you that our properties have been in private ownership for 124 years, since territorial days...a history of private ownership, responsibility, caretaking and concern at Point New. Most are aware of the more and more stringent environmental laws on the local, State and Federal levels. This indicates that even being outside of a Federally controlled, super restrictive area landowners will now and in the future be good caretakers.

With the above firmly in mind, let us consider the birds... especially the peregrine falcon. Many who have lived here have seen peregrines along the ocean beaches and elsewhere. They are frequently seen all along the Chehalis River and very likely everywhere else along the estuary.

FOE says the falcon "utilizes Point New for roosting." However, using information from the same study, "Wintering Peregrine Falcon Habitat Utilization in Grays Harbor" (Dobler and Spencer 1986 (research done in 1981), one could be hard pressed to make a case for impacting us vs. the birds. Please note that the female peregrine shot at Oyhut Sink near Ocean Shores (page 4 of study) verifies our position that the birds use a very wide area of the Harbor. Had this bird been included in Table 1 it would have increased the number of birds observed to seven...a significant percentage increase when applied to a total of six. Two of the six birds (the immature, radio-tagged male and an adult female) spent a little more time west

of Bowerman Basin. This skews the final figures. Using radio telemetry, it is much easier to spot a radio-tagged bird than to see another that might overfly the neighborhood. Since only one bird was tagged of the six studied and the dead one not included, the tagged bird's sightings show disproportional use compared to the other birds and areas where the researchers were not able to be. Indeed the report itself notes "The preference given to this area (Ned's Rock) by the only radio-tagged bird certainly biased the results..." (underlining ours, p. 13). The researchers themselves noted on page 14 that other areas "were very difficult to survey" i.e, that the Elk River area "was not an easy place to search for unmarked peregrines" (p. 14), that "the central parts of Grays Harbor were very difficult to survey" (p. 14), "the radio-tagged peregrine could sometimes be located...in the central part of North Bay, but in many of these cases the location could be established only by triangulations of two or more telemetry bearings...It is certain that Sand and Goose Islands, and Whitcomb Flats were used more than the data reflect." (p. 14, underlining ours). Also, the bluff opposite Point New and Ned's Rock was very convenient for radio telemetry...easily accessible from the home of a state game department employee who was active in the study. Note that the immature males's roost could not be found once the transmitter was not sending a signal. Could it not be, then, that since a known bird could not be found one could infer that many other birds also were not found or did not happen to be in a particular location when the study group was there?

Note also that the radio-tagged bird made frequent use of a navigation aide adjacent to the Hoquiam Airport. This shows the bird's indiscriminate use of man-made and natural roosting areas. It jibes with other peregrines' uses of apartment buildings in Baltimore and Los Angeles and, no doubt, elsewhere. Surely, people shouldn't be forced out of the traditional uses of their rural lands if the birds are that adaptable! Who is it that is endangered?

The peregrines are also adaptable in their eating habits...and seagulls and ducks are plentiful any time of the year anywhere there is water or a garbage dump! According to the study, seagulls and ducks included 12.6% of the studied peregrines' diet. Woodpeckers, thrushes, meadowlarks and finches accounted for 17.14% of the diet. A total of 29.7% of their diet included non-shore birds. Surely this shows the peregrines' versatility. (See Table 2 of the study.)

"Important Fish & Wildlife Habitats of Washington." This study was prepared in 1980. Nominations of sites were solicited from many (page 12). A portion of Point New was for sale at that time and had been offered to the State of Washington Department of Game. No doubt this status had an influence on the property's nomination. It is no different from many other areas but was available. We suspect if another report were done and the "listing should be reviewed at least annually" (p. 1), many new areas might be identified and relative importance may change as noted in the report. Please note that the principal landowner in 1980 did sell. The landowner now is

not interested in anything but the rural environment of the area, is not interested in selling, has made arrangements to pass the property to his descendants, and is even precluded from anything but rural use because of zoning and the Grays Harbor Estuary Management Plan. It is the owners' choice to live in a rural environment. Please note in the additional information regarding Point New that "Controversy regarding preservation should be minimal". We assure you that controversy is exceedingly high. There is major opposition to inclusion of any private property in any extension of the proposed Grays Harbor National Wildlife Refuge (see petitions and letters submitted with our February 25 testimony by Senator Adams). Very likely these facts would change the F&WS ranking. Surely the F&WS declaration of no biological justification for including the land (Daily World Article of May 3, 1987) is significant.

Again, we recommend passage of S. 1979 for establishing a Grays Harbor National Wildlife Refuge using lands of the Port of Grays Harbor and City of Hoquiam in accordance with the USF&WS Map of December 1987.

Thank you.

PEOPLE OF POINT NEW

GALE DAHLSTROM

SANDRA DAHLSTROM

WILLIAM PICKELL

ELLEN PICKELL

JAMES VINING

KATHERINE VINING

STATEMENT OF THE HONORABLE DON BONKER (D-WA)
BEFORE THE COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS
UNITED STATES SENATE
FEBRUARY 25, 1988

I am here to testify today as a representative of the Grays Harbor Community and as the sponsor of the House bill to create a National Wildlife Refuge at Bowerman Basin in Washington State.

For more than a decade there have been constant battles over the use of the wetlands in Grays Harbor with Bowerman Basin being the central point of conflict. The debate has been over the interests of wildlife protection vs. economic development. I saw an opportunity to resolve this central conflict by carefully developing legislation to create a National Wildlife Refuge at Bowerman Basin. My bill, which is based on a consensus among the competing interests, would preserve the most critical habitat under the Fish and Wildlife Service, respect national wetland policy, and result in both environmental and economic benefits for the Harbor area.

After more than a year of negotiations with all affected parties, I introduced HR 3423 last October with the support of all eight members of the House delegation and Senator Brock Adams. Last December, I offered a substitute during Merchant Marine and Fisheries Committee markup which reflected some committee refinements and an agreement with Senator Evans on the issue. This legislation was passed by the House as an amendment to the TBT bill.

This morning, I am pleased to testify in support of S 1979, which is virtually identical to the House-passed bill. This is delicately balanced legislation and I trust the committee will give great deference to its special features.

If this approach is to be effective, the legislation must be based on five premises:

First, recognizing that Bowerman Basin is an internationally important staging area for migratory birds, the land should be preserved and managed under the stewardship of the U.S. Fish and Wildlife Service. Grays Harbor is one of the Nation's four key "staging areas" for the millions of shorebirds involved in an annual marathon migration between Latin American wintering areas and Arctic breeding grounds. Without the protection of these key refueling stops, whole species of shorebirds could be put at risk.

Second, the legislation should be compatible with the Grays Harbor Estuary Management Plan (GHEMP), which, although not finally approved, has involved federal, state, and local officials in a 13 year planning process.

Third, as provided for by the Grays Harbor Estuary Management Plan, the Port of Grays Harbor shall retain its option of receiving either mitigation value or money in exchange for its title to Bowerman.

Fourth, it should be recognized that timely purchase of the City of Hoquiam's property is necessary for the integrity of the Refuge and for the development of visitor facilities.

Finally, the local interests must be protected by making it clear that establishment of the Refuge would not interfere with the rights of property owners, and by limiting acquisition to willing seller transactions involving only the Port and the City.

I would like to further explain the element of mitigation in this legislation. Under the GHEMP, the Port's 1711 acres of Bowerman Basin is to be used for wetland mitigation. As mitigation obligations arise, the Port would transfer an appropriate amount of acreage to a resource agency for preservation. This process could take decades. Under this legislation, the U.S. FWS would receive title to the Port's property within three years, but would preserve the Port's option to use the Bowerman acreage to meet mitigation obligations arising under section 404 wetland regulations. Alternatively, the Port would have the option of receiving cash in exchange for some or all of its Bowerman acreage. The legislation makes it clear that any mitigation agreement must be consistent with 404(b)(1) guidelines. Thus, the current position of the Port is preserved by the legislation. I believe it is crucial for the committee to retain this section which, after all, does not seek any special exemption for the Port from 404 regulations.

I would also like to emphasize the fair treatment of contiguous lands and local interests. It is my intent to insure that the establishment of the Refuge does not jeopardize contiguous land uses or result in additional regulation for local businesses and industries. In the original House bill, I included legislative language that would do just that. Although there is House report language to this effect, I would favor the inclusion of an explicit legislative provision which states that the establishment of the Refuge will not result in additional regulation of contiguous lands or local enterprises.

This critical habitat must be protected under the stewardship of the U.S. FWS. After hundreds of hours of negotiations, I feel that we have drafted a bill based on consensus which ensures the necessary protection, while promoting economic growth for the Grays Harbor Community. Therefore, I respectfully request that the special features of this bill be given great weight as the Committee considers this important legislation.

TESTIMONY OF STEVEN A. ROBINSON, DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ENVIRONMENTAL PROTECTION, SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, ON S. 1979, A BILL TO ESTABLISH THE GRAYS HARBOR NATIONAL WILDLIFE REFUGE IN THE STATE OF WASHINGTON.

FEBRUARY 25, 1988

Mr. Chairman, I am Steven A. Robinson, Deputy Director of the U.S. Fish and Wildlife Service. I am pleased to be here today to present the Administration's views on S. 1979, a bill to establish the Grays Harbor National Wildlife Refuge in Washington State. More specifically, as you requested, I will discuss the relationship between Fish and Wildlife Service mitigation policy and planning efforts at Grays Harbor.

We recommend against enactment of S. 1979.

We do not believe that national priorities would be met through the establishment of this area as a national wildlife refuge. Since the Port of Grays Harbor and the various local governments are the intended beneficiaries of any development activities which might be permitted after adoption of the Plan, we believe it is appropriate for those agencies to assume the responsibility for providing the primary protection for the area. Moreover, the Bowerman Basin does not rank as a high national priority on the Service's Land and Water Conservation Fund acquisition list, and such discretionary land acquisition runs counter to the Administration's deficit reduction goals.

This legislation would direct the Secretary of the Interior to establish the Grays Harbor National Wildlife Refuge on 1,800 acres of land in the Bowerman Basin of Grays Harbor, Washington. Within three years of enactment, the Secretary would be required to acquire, by transfer or purchase, approximately 1,711 acres of lands and waters owned by the Port of Grays Harbor within the Refuge.

Bowerman Basin, the area in which the proposed refuge would be located, is a Pacific coast migratory waterfowl and shorebird stop-over area, with a spring peak of over one million birds. It provides habitat for migrating and wintering shorebirds and waterfowl and, in turn, is used by the endangered Peregrine falcon. About 6 falcons continue to use the area of the proposed refuge.

S. 1979 proposes to treat the area transferred to the Department as meeting, in whole or in part, mitigation obligations of the Port of Grays Harbor arising under Section 404 of the Federal Water Pollution Control Act, subject to compliance with the guidelines issued for implementation of that Act. In addition, the Secretary would be authorized to acquire up to 68 acres of lands and waters owned by the City of Hoquiam, and to compensate the lessees of such lands for improvements and relocation costs.

S. 1979 would require the Secretary to prepare, within eighteen months of enactment, a management plan which must include, among

other things, plans for the construction of a visitor center, viewpoints, boardwalks, and parking facilities. The bill would also authorize the appropriation to the Department of "such sums as are necessary" to acquire the property from the Port of Grays Harbor and $2.5 million to carry out the other provisions of the Act. Finally, S. 1979 would require the Director of the Service to request the Fish and Wildlife Foundation to set up a separate account for the purpose of encouraging, accepting, and administering private gifts of property for the purposes of the Act.

In 1976, after extensive controversy over the issuance of two permits under Section 404 of the Federal Water Pollution Control Act for filling of wetlands in Grays Harbor, the Grays Harbor Regional Planning Commission initiated development of a Grays Harbor Estuary Management Plan. This plan was intended to balance economic development with resource protection for the estuarine ecosystem associated with Grays Harbor. Determination of necessary mitigation measures for desired future filling of approximately 500 acres of wetlands for port expansion purposes was an important goal of the plan. In 1980, with the Plan still under development, the Port of Grays Harbor signed a letter of agreement with the U.S. Fish and Wildlife Service regarding a 45-acre fill commonly known as the "Kaiser fill".

The Port agreed that if the Plan was not ratified by September 1, 1982, and they had not secured a tenant for the filled area who

would use the site for energy-related, water-dependent purposes, they would engage in mitigation measures. One option would be for the Port to enter into a letter of agreement with the Service to carry on normal functions within the framework of the unapproved Plan. If this did not occur, the Port would either remove the 457,000 cubic yards of fill and restore the site to as near its pre-existing condition as possible, or agree to work out a suitable mitigation plan acceptable to the Service. The Service in turn agreed that adoption and implementation of the plan would constitute mitigation for the Kaiser fill.

In 1982 the Service entered into a supplemental agreement with the Port, acknowledging that delays in approval of the Plan were beyond the Port's control. The supplemental agreement extended the deadlines from the original agreement until September 1, 1984.

Discussions between the Service and Port have continued regularly since that time. Because the Plan was progressing, and there was no evidence of bad faith on the part of the Port, we did not invoke the requirements for specific mitigation measures. In 1987 we declined an offer from the Port to enter into a letter of agreement pursuant to the 1980 agreement, since the Plan was nearly completed. At this point, it is our understanding that all but one of the local governments has approved it.

The Service holds, consistent with the 1980 agreement, that adoption and implementation of the Plan by all involved Federal,

State and local entities would constitute mitigation for the 45-acre fill, and that failure to do so would require fulfillment of the alternative mitigation requirements of the original agreement.

The Estuary Management Plan proposes to designate the Bowerman Basin as a "natural conservancy" area, and it is our understanding that the local agencies developing the Plan intend protection of this area to be used as compensation for future activities subject to section 404, a point referenced in S. 1979. The Plan proposes transfer of 3 acres of wetlands in Bowerman Basin to either the Washington State Department of Game or the Service in return for each one acre of wetlands elsewhere in Grays Harbor which is approved for filling under Section 404.

The concept of "mitigation banking" has caused confusion and false hopes regarding permit application approvals in the past. Therefore, I would like to be quite explicit as to Service review policy for any future permit applications in Grays Harbor. Both the Service and the Corps have indicated that adoption of the Plan will greatly facilitate review of future applications for permits under Section 404. It also has been stated clearly that any such applications still will require specific environmental reviews under the various applicable Federal laws. Determination of any necessary mitigation measures, including enhanced protection of wetland areas, will be made in the course of these project-specific reviews.

If it is determined that protection or enhancement of a specfic acreage of wetlands is an appropriate mitigation measure for any given permit application, there is no reason why the area set aside at Bowerman Basin could not be counted toward that figure. However, we can make no determination in advance --

a. that the environmental damage that would be caused by any given permit application can in fact be mitigated;

b. that if mitigation is possible, protection or enhancement of wetlands will be the appropriate measure; or

c. that we would consider the 3:1 ratio of protection to fill contained in the Plan as appropriate for any given situation.

We want to be quite clear on this point. Neither adoption of the Plan nor donation of Bowerman Basin to the Service or the State can substitute for project-specific reviews. We do not believe the language in section 4(c)(2) of S. 1979 would affect our position on this matter, given use of the term "may consider" in reference to use of the area for mitigation purposes.

That concludes my prepared testimony, Mr. Chairman. I will be pleased to answer any questions the Committee may have.

STATEMENT OF STANLEY L. LATTIN, DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT
PORT OF GRAYS HARBOR - STATE OF WASHINGTON
FOR THE RECORD
UNITED STATES SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
SUB COMMITTEE ON ENVIRONMENTAL PROTECTION

FEBRUARY 25, 1988

Mr. Chairman and members of the Committee, I have been sent by the Commission of the Port of Grays Harbor to express their views on the proposed National Wildlife Refuge at Bowerman Basin in the State of Washington. The Port's interest in S 1979 stems from the fact that the Port owns approximately 1,711 acres of the proposed refuge.

Before I comment specifically about the Refuge legislation, I would like to establish an understanding of the economic situation surrounding the Bowerman Basin. Grays Harbor's economy is heavily dependent on marine commerce and heavy industry. We are fortunate to have a Federal Navigation Project serving our industrial base, and we are placing great reliance on this channel to attract new industry and commerce to our area. One of our foremost concerns is to protect the existing economy and preserve and protect our future options.

Our county has been heavily impacted by the transition from a domestic to an international economy. As a result, we have experienced significant reductions in our employment base. Employment in our key forest products, and paper and allied products industries has declined by 30 percent since 1980. We, therefore, have a critical need to diversify our economic base to minimize the impact of economic cycles and to create new employment opportunities for our unemployed workers. In 1975, at the suggestion of the late Senator Henry Jackson, Grays Harbor embarked on a precedent-setting project. This project, which has come to be known as the

Grays Harbor Estuary Management Plan, is an attempt to produce a reasonable balance between future development and resource protection on Grays Harbor.

We have utilized funds provided under Section 306 of the Coastal Zone Management Act of 1980 to develop this Plan. For purposes of this Hearing, the significance of the Plan is that it has identified the resources deserving protection at Bowerman Basin, and has become the basis for establishing the boundaries of the proposed Wildlife Refuge. Equally as significant, however, is the fact that this Plan also identifies certain lands contiguous to the Basin as suitable for industrial development.

The importance of the Plan's treatment of these contiguous lands is heightened when you consider that the Plan represents the consensus decision of a local, state and federal agency task force made up of representatives from the Environmental Protection Agency, U. S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service, U.S. Army Corps of Engineers, the Washington State Departments of Ecology, Fisheries, Wildlife and Natural Resources, together with all of the affected units of local government. In an independent action, the USFWS reviewed the Plan's provisions for the Basin and the contiguous lands under Section 7 of the Endangered Species Act and has rendered a "not likely to jeopardize" opinion. Clearly, the interagency task force which created the Grays Harbor Estuary Management Plan (GHEMP) believed that the resources of the Basin could coexist with industrial/marine commerce activities on contiguous lands.

Early drafts of the Bowerman Basin Refuge legislation contained language dealing with contiguous lands--limiting future regulation of activities on those lands to the standards existing prior to the creation of the Refuge. Unfortunately, the Section was deleted just prior to the introduction of S 1979.

Mr. Chairman and members of the Committee, our very grave concern is that the Refuge, in the absence of any statement of intent regarding nearby industrial lands, will become an overriding factor in future decisions made on land use, and air and water quality standards. This would be devastating to our current efforts to attract new commerce and industry and to diversify our economic base. We urge you to appreciate the relationship of the proposed Refuge to the also very important contiguous and nearby industrial lands by including language in S 1979 which will provide assurance that existing and future industrial activities will not be unduly impacted by the creation of the Refuge.

A second area of concern involves Section 4(c)(2) and the lack of guidance regarding who makes the decision between mitigation credits and compensation. The basis for the concept of allowing mitigation for the transfer of title of Basin tidelands is found in the GHEMP. The Plan anticipates that the Port, as current owner of these tidelands, will be allowed to use the transfer of title to these tidelands as mitigation for filling of other tideland areas. The Plan envisioned this mitigation occurring over time. Obviously, with the advent of S 1979, this

transfer process is to be speeded up. This has given rise to the idea of banking the mitigation, or assigning mitigation credits. The Port is intent on keeping the concept of mitigation as agreed upon in the GHEMP as intact as possible. Our first and foremost goal will be to follow through and, over time, implement the Plan. In order for this to occur, the Port feels it must have the sole authority to determine if and when the mitigation concept is unworkable, and at that point, be able to require compensation. We strongly urge the Committee to honor the mitigation provisions of the Plan, but also to insert language which would give the Port the sole option as to whether to accept mitigation credits or compensation for the title to the Bowerman Basin tidelands.

Members of the Committee, in summary, it is our view that Congress established a mechanism for resolving conflicts in the coastal zone. We have not only utilized that mechanism, we have also utilized funds authorized by Congress to implement the process. The outcome of almost thirteen years of effort in this regard is the Grays Harbor Estuary Management Plan. Local government in Grays Harbor has stepped forward and adopted this Plan, state and federal agencies have prepared letters of intent regarding this Plan. We are now asking you to respect the product of literally thousands of hours of work and many tens of thousands of dollars to create a Plan which Senator Jackson envisioned in

1975 to resolve conflicts and provide a guide for everyone to follow. I trust that Senator Jackson would have been the first to urge his colleagues to stand behind this Plan.

Thank you for this opportunity to express the views of the Port of Grays Harbor. I will be happy to try to answer any questions you may have.

FRIENDS OF THE EARTH

TESTIMONY OF THE N.W. OFFICE
FRIENDS OF THE EARTH

before the

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
U.S. SENATE

on

S. 1979
TO ESTABLISH A
GRAYS HARBOR NATIONAL WILDLIFE RUFUGE

WASHINGTON, D.C.
25 February 1988

Northwest office 4512 University Way NE Seattle, Washington 98105 (206) 633-1661

Good Morning. My name is David E. Ortman, Northwest Representative for Friends of the Earth, 4512 University Way N.E., Seattle, WA 98105. Friends of the Earth is a national environmental organization with approximately 1500 members in the Pacific Northwest.

1. Thank you for the invitation to testify on legislation to establish a Grays Harbor National Wildlife Refuge and protect the Bowerman Basin migratory shorebird area in Grays Harbor, WA. I would also like to express thanks to Senators Mitchell and Chafee for your continued leadership in wetland protection efforts. I would also especially like to thank Representative Bonker from Washington for his work in gaining House passage of a Grays Harbor National Wildlife Refuge bill.

2. I would ask that the following statements in support of a Grays Harbor National Wildlife Refuge from approximately 30 citizens in Washington, Oregon, California, Pennsylvania, Nebraska, New Mexico and Maine be entered into the hearing record at this time. In addition, I will leave with the Subcommittee copies of petitions in support of a Bowerman Basin/Point New National Wildlife Refuge in Grays Harbor signed by nearly 2000 persons from Grays Harbor, the State of Washington, and visitors to the spring shorebird migration from all over the United States.

3. I have proposed that we should redefine wetlands. They should be called "water meadows", habitats which are productive in their own right and do not need human development in order to provide human benefits. The plight of migratory shorebirds and water meadows is an international concern. A Jan/Feb. 1987 article in American Scientist (Attachment A) detailed a "Conservation Strategy for Migratory Species". Marshall A. Howe, of the U.S. Fish and Wildlife Service has written an eloquent article (Attachment B) in the summer 1987 issue of American Birds on "Wetlands and waterbird conservation." National Audubon had a lead article (Attachment C) on the Bowerman Basin and Grays Harbor in its AUDUBON Activist publication (Sept/Oct. 1987) "On Washington's Coast, Millions of Shorebirds Dock in Contested Basin." In addition, for the past several years, tremendous local, regional and national press coverage has been given (Attachment D) to what the U.S. Fish and Wildlife Service has called, "One of the most spectacular concentrations of birds in North America. . ."

4. The approximately 1800 acres represent an extremely valuable area of mudflats, saltmarsh and wetlands which are suitable for addition to our National Wildlife Refuge System. Before English Capt. Robert Gray ever "discovered" Grays Harbor nearly two hundred years ago, migratory shorebirds, - dowitchers, sandpipers, plovers, knots, dunlin, and over a dozen other shorebird species knew exactly where this estuary was located. They had to know because its wetlands, mudflats and saltmarshes were their last major feeding and roosting stop on their spring migration from as far south as South America to Alaska's Copper River Delta.

5. Bowerman Basin, in particular, provides roosting and feeding habitat for migratory shorebirds which, in turn, provide a prey base for the endangered Peregrine Falcon. According to a September 1981 study, "The Distribution and Abundance of Shorebirds During the 1981 Spring Migration at Grays Harbor, Washington", Herman, Steven G. and John B. Bulger (Attachment E):

> "Our results indicate that Grays Harbor is host to more shorebirds during the spring migration than any other estuary on the Pacific Coast south of Alaska.
> "Within the harbor, Bowerman Basin supported the largest number of shorebirds on every census day. Here, in a mosaic of habitat including less than 2% of the intertidal mud flat in the estuary, almost 50% of the migrant shorebirds were maintained throughout the primary study period. (p. 49).

Dr. Herman once asked, "What is a shorebird worth?" replied, "I don't know. Why don't we ask Boeing how much it would cost to build one?"

6. But the shorebirds are not the top of the food chain. That spot is reserved for the majestic and endangered Peregrine Falcon. Peregrines follow their prey base, accompanying the northward moving flocks of shorebirds. In addition, a wintering Grays Harbor population of male Peregrines rely on a wintering shorebird population. The endangered Peregrine Falcon also utilizes Point New for roosting. Point New is a 350 acre habitat area just west of the proposed Grays Harbor National Wildlife Refuge. A September 1986 Washington Department of Game study, "Wintering Peregrine Falcon Habitat Utilization in Grays Harbor, Washington", (Dobler, Frederick C. and Rocky D. Spencer) (Attachment F) documented that of 228 individual observations of peregrines during the study, "The vicinity of Point New received the greatest use, followed by Bowerman Basin. These two areas, together with the rectangle adjacent to both, account for 68% of the total observation time."

7. The U.S. Fish and Wildlife Service prepared an inventory of Important Fish and Wildlife Habitat of Washington (May 1980) (Attachment G). Bowerman Basin ranked eighth out of 44 sites and Point New ranked sixth.

8. Congress has played a major role in the loss of water meadows in Grays Harbor. According to the Grays Harbor Estuary Management Plan (GHEMP) final environmental impact statement (FEIS) (April 1987), between 1940 and 1976, Corps maintenance dredging from the Congressionally authorized navigation channel involved alteration of about 3,850 acres of aquatic habitat or an average of more than 100 acres per year. This represents 11.5 percent of the total intertidal lands in the estuary and the loss of an estimated 1,540 acres of vegetated wetlands. Thus, while it is appropriate for Congress to set aside a part of the estuary as a National Wildlife Refuge, the acreage proposed does not represent even half of the aquatic habitat altered due to historic Corps dredging activities.

9. Between 1975 and 1977, the City of Hoquiam constructed Paulson Road, which currently forms the eastern boundary of the proposed National Wildlife Refuge. Region X EPA has determined that this road was constructed without a Section

404 permit and did not agree with how this project was handled by the Corps (Attachment H). In addition, the City constructed a dike along the western edge of its property line running north and south through the Bowerman Basin. No permit was obtained for this fill and no mitigation was provided in either case.

10. Between 1977 and 1980, Section 404 permits were issued by the Corps for speculative projects on Port of Grays Harbor land. In March of 1978, a permit was issued for a proposal for a Thunderbird motel, restaurant, and marina near the confluence of the Chehalis and Wishkah Rivers. No mitigation was carried out for the 1.4 acre of bulkhead filling.

In August of 1976, a permit was issued for a 39 acre fill for an offshore oil-well fabrication yard to be built by Kaiser Steel at the mouth of the Hoquiam River. According to the Corps FEIS for this project,

> "Approximately 36 acres of saltmarsh and tideland will be lost to biological functioning. At least 16 acres is pure sedge marsh representing approximately 12.5 percent loss of total Grays Harbor sedge habitat. This reduction in sedge marsh habitat and primary production represents significant losses to natural resource production in Grays Harbor." (p. 49)

Both these sites were filled and are currently empty, providing neither the promise of employment nor their former biological productivity.

11. The loss of the Kaiser Steel site sedge marsh was an especially bitter one. The Corps deceived the public by issuing a Corps notice and EIS for a joint Kaiser/Port project. The Corps, however, gave the permit to the Port alone, deleting any reference to Kaiser.

12. Because of political pressure from former Senator Henry Jackson, federal resource agencies were prohibited from opposing the Kaiser Steel project. Instead of providing mitigation or restoring the site, the Port merely promised to enter into a special area management planning effort funded through the Federal Coastal Zone Management Act. We continue to believe that the Kaiser permit was issued by the Corps in violation of the Federal Clean Water Act.

13. When Kaiser declined to use the site which the Port and the Corps had filled for them, Friends of the Earth wrote a letter to the Corps requesting that the permit be rescinded and the site restored (Attachment I). The Corps refused and instead issued a new public notice eliminating the requirement that the Port use the site for off-shore oil drilling modules. At this time the U.S. Fish and Wildlife Service signed a separate agreement with the Port which was incorporated as a condition of the Corps permit which stated that if no Grays Harbor Estuary Management Plan was adopted by 1 September 1982, real mitigation would have to be provided. This agreement was extended to 1 September 1984 and a suitable mitigation, compensation, or enhancement plan was to be implemented prior to 1 September 1986. Thus, according to the agreements signed by the Port and the U.S. Fish and Wildlife Service the Port has past mitigation obligations. (Attachment J).

14. In a 9 December 1986 letter to Washington House member Jolene Unsoeld, the U.S. Fish and Wildlife Service stated,

> "Mitigation for the Kaiser site is necessary because the agreement between the Port of Grays Harbor and the Service, which allowed the fill, expired without fulfillment of the required conditions. We no longer believe it is in the best interest of the public to continue the delay of mitigation for the Kaiser fill through another amendment of the mitigation agreement. In addition, although one of the original goals of the Grays Harbor plan was to include mitigation for this fill in the Plan, the Service is not satisfied that this has been accomplished.
> "The Plan does not provide the 'balance' that was originally sought . . . the Plan does not provide environmental protection above that which exists under the status quo.
> "The final method of mitigation for impacts is obtaining enhanced protection of existing habitat thro[illegible]conservation easements or through transfer of the lands to a land-ste[illegible]ship entity. This type of mitigation is only valid and acceptable when the protection is possible only through acquisition or easement. Quantification of the mitigation value of "enhanced protection" is difficult or impossible. A very high ratio of mitigation land to destroyed land is necessary to provide sufficient extra habitat protection to offset project-caused losses.
> "Under this final mitigation option, both the requirements of the Kaiser fill mitigation agreement, and concerns regarding the current inadequate protection of Bowerman Basin, could be met. Immediate transfer of the Basin to a land-stewardship entity would provide lasting protection to resources of international significance." (Attachment K)

15. The establishment of a Grays Harbor National Wildlife Refuge is complicated by this history of water meadow losses, broken promises and Port development schemes. The City of Hoquiam appears to be a willing seller and we strongly support the purchase of 68 acres of City owned property for the Refuge. Under the latest version of the Grays Harbor Estuary Management Plan, the Bowerman Basin area could remain in Port ownership for another two decades. In 1985, the Port was caught spraying herbicides (Aticent, Esteronbk and Amitrol) along the southern border of Bowerman Basin. (Attachment L). Must the migratory shorebirds and endangered Peregrine falcons wait until the year 2008 for protection from such Port activities? The U.S. Fish and Wildlife Service says no. On 15 May 1987, U.S. F&WS sent a letter to the Grays Harbor Regional Planning Commission stating that it plans to acquire land for a National Wildlife Refuge immediately west of the City of Hoquiam (Attachment M).

16. Since the Port of Grays Harbor acquired Bowerman Airport and approximately 500 acres of tidelands north of the airfield in 1962 from Grays Harbor County for $1. and the approximately 1700 acres of tidelands west of Bowerman Airfield in 1971 from Grayco Corporation at a cost of $8,660 (FEIS GHEMP p. 157) our preferred alternative would be to compensate the Port $8,661 and condemn the property under the U.S. F&WS's power of eminent domain.

17. However, the House passed bill (now H.R. 2210) represents a carefully crafted compromise between outright condemnation and the Port's scheme to acquire mitigation credits for further wetland filling in the estuary. Not only does Section 205(c)(2) refer only to the "mitigation obligations of the Port of Grays Harbor arising under section 404 of the Federal Water Pollution Control Act", it underscores the requirement that "the validity of such mitigation is subject to compliance with the guidelines issued under subsection (b)(1) of such section."

18. In our view, and the legislative history should so state, the Section 404(b)(1) guidelines would prohibit the Port of Grays Harbor from substituting land transfer for any future wetland filling. In addition, this legislation would not vest the Port with any new rights concerning the issuance of future Section 404 permits in the estuary.

19. Since the mitigation obligations of the Port of Grays Harbor in regard to the Kaiser Site fill took place prior to the 24 December 1980 version of the 404(b)(1) guidelines, we would recommend reluctantly closing the books on the Kaiser Site mitigation through a timely title transfer by the Port of Grays Harbor of the approximately 1711 acres referenced in H.R. 2210.

20. We agree with Dr. Rutherford Platt's conclusion in a recent article in Environment (November 1987):

> "Outright purchase of Bowerman Basin by FWS is proposed in three bills currently before the 100th Congress. Such an action, if approved, could cut the Gordian knot of Grays Harbor and allow the uncontroversial elements of the estuary plan to be expediently adopted." (Attachment N).

21. Let me close with another story of habitat and endangered species. I grew up in eastern South Dakota. During the mid-1960's, each fall my father and I would go hunting on a ranch in Mellette County west of the Missouri River. Black-footed ferrets, the most endangered North American mammal, had been spotted living in a prairie dog town on this ranch. Early one crisp morning we drove out and stopped at this prairie dog town, and Jim Carr, the rancher, described how U.S. F&WS biologists were attempting to study and track the elusive ferrets.

"Like that one?", I asked.

Out of a priarie dog hole near our pickup truck, a black-footed ferret's head emerged like a periscope and peered silently at us.

Seeing an endangered species like a black-footed ferret was a remarkable event. Unfortunately, the story did not have a happy ending. Shortly afterward, the rancher was forced to liquidate his land holdings. He tried to interest the U.S. F&WS in acquiring the property as critical habitat for the black-footed ferret, but in the 1960's endangered species were not a priority. Or perhaps it was "too expensive". Or perhaps there was political opposition within the Department of Interior. Whatever the reason, a neighbor purchased the property, poisoned off the prairie dogs and presumably the black-footed ferrets as well. To my knowledge, none are known to currently exist anywhere in South Dakota.

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In Grays Harbor, it is not too late for the endangered Peregrine falcon and the migratory shorebirds which depended on a few critical stepping stones such as the Bowerman Basin. Since the Washington Congressional delegation is in agreement concerning the importance of the area, let us not leave the job of providing permanent protection undone.

22. Thank you for the opportunity to testify. We strongly encourage this Subcommittee to support swift passage of the House passed bill. We request that the attachments to our testimony be made part of the record and that we receive a copy of the hearing record when it becomes available.

CITY OF HOQUIAM
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Mayor
PHYLLIS N. SHRAUGER

Finance Director
JOANN STOVER

February 25, 1988

The Honorable Chairman Mitchell and Members of the Senate Subcommittee on Environmental Protection:

Greetings. My name is Phyllis Shrauger. I am the Mayor of the City of Hoquiam, Washington. Thank you for the opportunity to testify before you concerning the proposed Grays Harbor National Wildlife Refuge.

As you've heard in previous testimony, Bowerman Basin, located partially within the Hoquiam's corporate limits, is an area of international significance to migrating shorebirds. The City of Hoquiam has recognized this significance for some time. We applaud our congressional delegation for initiating this legislation to create a National Wildlife Refuge.

The City of Hoquiam has gone on public record as supporting this effort. This position is evidenced by several newspaper articles, council resolutions and press releases supporting the refuge and offering our land for sale to the U. S. Fish and Wildlife Service. (Please refer to the attached documentation.) Although the establishment of a National Wildlife Refuge will not by itself provide the stimulus for economic redevelopment, we believe this proposal is one piece to the area's economic puzzle. Therefore, the citizens of Hoquiam have requested that I testify in support of this legislation. However, we do have some concerns with this bill which we ask this committee to address.

As you may be aware, the City of Hoquiam, as well as Grays Harbor County, is classified as an economically distressed region. This determination is based on our uncharacteristically high unemployment rate (12-15% annually), low per capita income (approximately $11,500) and declining population (approximately -10.3% yearly). Our local and regional economy is heavily dependent upon major industrial bases such as forestry and timber related products, paper and allied manufacturing, and fishing. Within the last 20 years these industrial sectors have suffered employment losses of up to 50 percent. The success of our community's economic revitalization strategies and our business recruitment programs are heavily contingent upon the availability of industrial lands.

The City of Hoquiam owns approximately 75 acres of industrial land. Sixty-eight of these acres are being considered for inclusion in the proposed refuge. The City has agreed to sell this property to the U.S. Fish and Wildlife Service for $500,000.00 based upon a preliminary appraisal. The sale of these lands leaves the City with precious few industrial sites. Therefore, in order to attract new industries to our area, whether they be large or small, we will be dependent upon the availability of private industrial sites. Herein lies our concern.

The proposed Wildlife Refuge lies adjacent to the heart of our community's industrial area (please see attached map). Several major industrial employers are and have been located in this area for many years. The present bill does not contain a provision restraining the appropriate federal agency from imposing restrictions upon contiguous

lands. It is probable that the managing agency of the refuge would impose restrictions upon uses of contiguous lands which will limit the operation of existing industries or preclude the establishment of future industries. Such an event would only serve to exacerbate an already critical economic condition. The City of Hoquiam cannot afford to have established industries restricted nor shut down (which industries are traditionally compatible with the operation of a wildlife refuge) or future businesses chased away.

Therefore, the citizens of Hoquiam have requested that the following statement be included in the final version of the bill:

> "It is the intent of this act that no federal agency shall impose any additional restrictions on use(s) of lands contiguous to the refuge than those restrictions which would have otherwise been appropriate in the absence of the Bowerman Basin National Wildlife Refuge."

The citizens of Hoquiam also have concerns about the refuge boundaries. We ask that the final draft of the bill not include any privately owned property within the refuge boundaries now or in the distant future.

The City of Hoquiam supports the Port of Grays Harbor's request for the transfer of Port property to the U. S. Fish and Wildlife Service as meeting mitigation credits required under section 404 of the Federal Water Pollution Control Act. We believe this is a wise and efficient use of scarce resources.

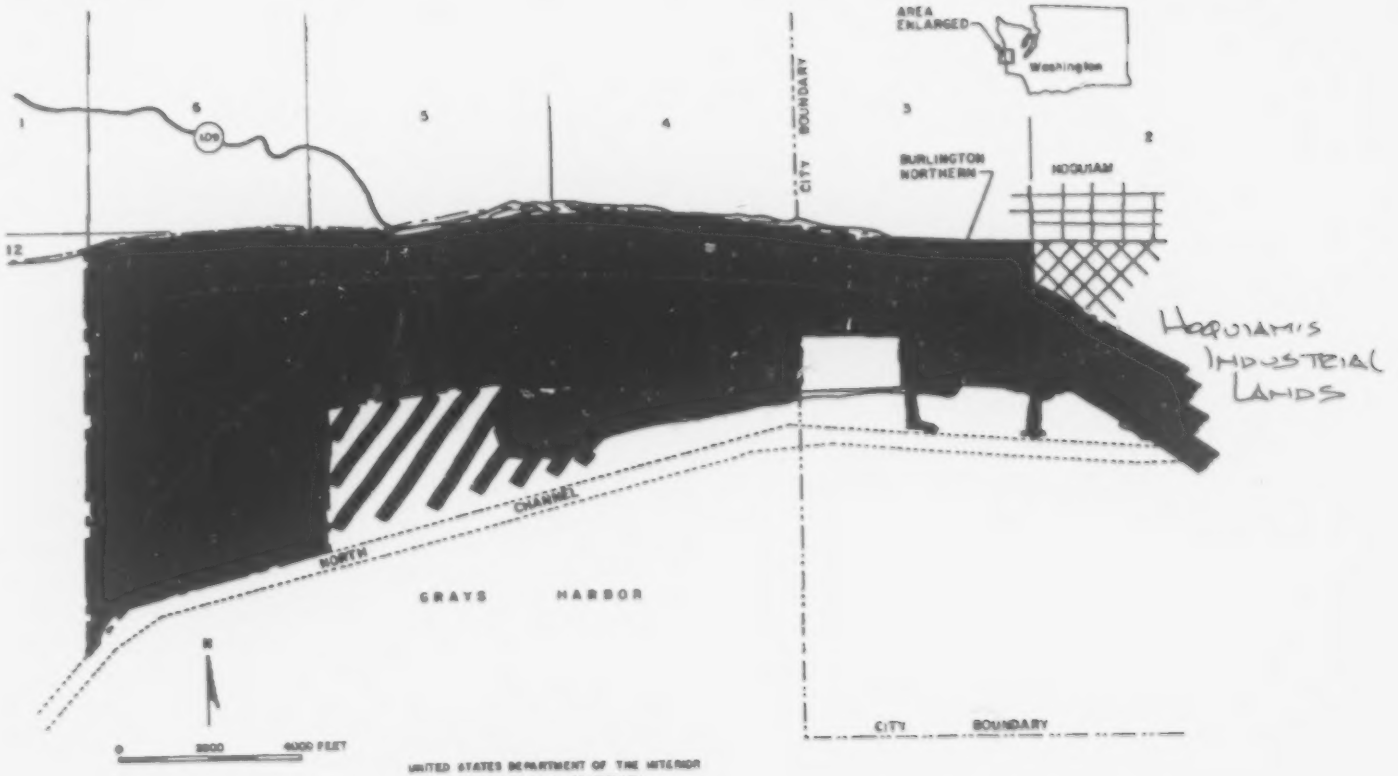
In conclusion, the citizens of Hoquiam ask that our concerns be included in the final draft of the bill. We believe the Wildlife Refuge and the community can be good neighbors and we can have a win-win situation. Thank you for your time and consideration.

Sincerely,

Phyllis N. Shrauger

PHYLLIS N. SHRAUGER
Mayor

PNS:dc



UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
GRAYS HARBOR NATIONAL WILDLIFE REFUGE
GRAYS HARBOR COUNTY, WASHINGTON
T 17 N., R 10 W
WILLAMETTE MERIDIAN

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THE WILDERNESS SOCIETY

STATEMENT OF WILLIAM C. REFFALT OF THE WILDERNESS SOCIETY
BEFORE THE UNITED STATES SENATE
SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
REGARDING S. 1979
A BILL TO ESTABLISH GRAYS HARBOR NATIONAL WILDLIFE REFUGE
FEB. 25, 1988

Mr. Chairman I am Bill Reffalt, Director of the National Wildlife Refuge System Program for The Wilderness Society. I appreciate this opportunity to testify regarding the bill to establish the Grays Harbor National Wildlife Refuge in the State of Washington. The Wilderness Society, a national environmental organization with over 215,000 members, has more than 50 years of experience and constructive involvement in public land management issues, including federal refuge management.

My testimony also has the approval and support of the National Audubon Society on behalf of its 550,000 members. The Wilderness Society and National Audubon Society strongly support the establishment of the Grays Harbor NWR. There are, however, two major concerns with regard to some provisions contained in S. 1979. With satisfactory resolution of those concerns, our organizations would recommend passage of this measure.

BACKGROUND AND WILDLIFE VALUES OF GRAYS HARBOR

Before discussing the bill's provisions, I would like to present a brief background on the issue and a little bit about the extraordinary wildlife values dependent upon the area considered in this legislation. Grays Harbor is one of six major sheltered estuaries on the Pacific Ocean coastline of the conterminous United States. The harbor covers an area of over 60,000 acres. The Port of Grays Harbor, a public regional authority, owns extensive areas of tidelands and operates several commercial developments in the estuary. In the years prior to 1975, approximately 3800 acres of intertidal lands in the estuary were filled to support industrial development and disposal of dredge spoils. Since 1975, about 85-95 additional acres have been filled or severely impacted by development principally as a result of Port authority projects and developments by the town of Hoquiam. The remaining tidelands are in relatively natural condition. None of the approximately 3900 acres lost to developmental activities have been mitigated under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). In late 1975, the Estuary Planning Task Force was formed to develop a comprehensive plan for the entire estuary. Although a lengthy and complex plan has been drafted under the guidance

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of this task force, that plan and the process leading to its completion have been criticized by public interest groups primarily because of inadequate provisions for public participation and because the proposal does not insure adequate protection of tidelands and wetlands in the estuary. No final plan has been approved as of this date.

The wildlife values of Grays Harbor have been generally known since before the turn of the century. However, only recently have scientists become aware of the extraordinary values that the entire estuary and some particular sections within its limits represent to fish and wildlife. The best known values at this time are related to shorebirds that use the tidal flats as a vital energy-gathering source during migrations that may exceed 15,000 miles annually. To some species such as the western sandpiper and dunlin, the Bowerman Basin and other selected parts of Grays Harbor could be irreplaceable elements in their annual cycles. At least 50 species of fish and shellfish and 325 species of birds utilize the varied natural habitats of Grays Harbor at some time in their annual cycles. Many mammalian and other vertebrate fauna also inhabit the estuary and its immediately adjacent habitats. There is no argument that a spectacular abundance of life relies on the harbor at certain times each year and would be severely impacted by inappropriate conversion of their already diminished or degraded habitats. Thus, the proposal to establish a refuge in the portions of Grays Harbor, known to be among the premiere international wildlife habitats of North America, has genuine merit.

PROBLEM AREAS OF S. 1979

MITIGATION BANKING: Section 4(c) of S. 1979 offers a choice of two approaches for the acquisition of the 1711 acres, known as Bowerman Basin and owned by the Port of Grays Harbor. These tidelands and adjacent shoreline can be acquired by "transfer or purchase" by the Secretary of the Interior. If the lands are transferred, the provisions of subsection 4(c)(2) authorize the agencies responsible for the section 404 permits to consider that transfer as meeting all, or part of, any mitigation obligations arising in the 404 processes in Grays Harbor. The "Provided:" clause in that subsection is intended to require the Port authorities to continue to meet the guidelines of the 404 process. However, as now worded the Port is being--allowed a "bank account" of wetlands against which they can debit future wetland conversions. Such a policy has not previously been endorsed by the Congress and should not be in this instance. Mitigation and mitigation banking are complex and often controversial concepts that first, seek to avoid and then if necessary, to minimize losses and degrading impacts to wetlands from development. Mitigation projects are as unique as the varied locations, types of development and environmental values with which they must deal. Mitigation banking not only is surrounded by scientific and policy uncertainties, but the concept has no legislative precedent, no guidelines, and in this instance, no specific proposal upon which to base guidelines. Endorsing this proposal will lead to protracted controversy and challenges. Neither the Port Authority, the public, the refuge nor the dependent wildlife will find such protractions and controversies satisfactory.

RECOMMENDATION: The Port Authority has yet to mitigate past filling operations thus, they should utilize a transfer of some or all of the 1711 acres to fulfill their outstanding obligations. The remaining portion of the 1711 acres, if any, should be purchased by the Fish and Wildlife Service, using authority granted in the Emergency Wetland Resources Act and this Act, to form the basic unit of the Grays Harbor NWR. Any references to a "mitigation bank," or "credits" should be deleted from the bill. Also, the town of Hoquiam has yet to mitigate for the fill and other modification of wetlands and that should be recognized as an unresolved part of this negotiated arrangement.

THE DEVELOPMENT FUND: Section 7 of this legislation establishes another precedent by directing involvement of a private non-profit corporation, the National Fish and Wildlife Foundation (NFWF), to establish a special account and directs the agency to give special consideration to ways of encouraging "local public and private entities in the development and management of the refuge." The authorities necessary to accept donations and gifts already exist both in the agency and in the NFWF, and several other private non-profit organizations. Thus, Section 7 is unnecssary and it goes too far in involving public and private entities in matters which, by existing statutes, properly have been given by the Congress to the Fish and Wildlife Service. Committee report language would be a more acceptable way to encourage the agency to consider ways of accomplishing the appropriate involvement of public and private individuals and organizations. To go beyond that installs an uncertain and unique concept on this single unit of a National system containing over 440 individual units.

RECOMMENDATION: We recommend that Section 7 be deleted from the bill. Adequate authorities exist to accept donations, volunteers, lands and interests in lands, and to cooperate with private non-profit organizations, including the NFWF, to accomplish the primary aims of this section without having the Congress establish a precedent regarding a Development Fund and the other features mentioned for a single unit of the National Wildlife Refuge System. If this Committee believes the bill should take this unusual approach, we would urge that it adopt, in amended form, the provisions of the House passed measure. In that case we would recommend that the Committee replace the reference to the NFWF with a broader reference to "appropriate non-profit organizations".

Thank you Mr. Chairman, I would be happy to respond to any questions that you and the Subcommittee members may have.

9 February 1988

Senator George Mitchell Chair
Subcommittee on Environmental Protection
Environment and Public Works Committee
U S Senate
Washington D C 20510

RE the proposed Grays Harbor National Wildlife Refuge

My name is Connie Barlow, and I live at 1613 Eighth Avenue West, Seattle WA 98119 I request that my statement here be included in the hearing record of the Senate subcommittee on the matter of proposed legislation to establish a Grays Harbor National Wildlife Refuge 25 February 1988

I am strongly in favor of the establishment of a National Wildlife Refuge in Grays Harbor, and especially one that can effectively protect all of the key areas vital to migrating (and resident) birds From the reading I have done I believe that Point New is one of these critical areas, and that it should therefore be added to the refuge boundaries as is the land west of Paulson Road currently owned by the City of Hoquiam.

Although I have not yet visited Gray s Harbor, I do hope to do so some year, and especially during the peak spring migration I enjoy birding, and often visit the nearby Skagit Flats and Nisqually refuges. Whenever I do, I am always struck by how relatively small these pieces of "birdland" are compared with the rest of our shoreline I spent ten years living in Southeast Alaska, where undeveloped tidelands are the norm, and so I often wonder what Washington's shores looked like a hundred years ago ---- and hope that the birds and other wildlife will not find themselves gradually but effectively, edged out over the next hundred

The other thing that strikes me when I go to these gems of our wildlife conservation system, is that even when I am looking at enormous flocks of snow geese, or shorebirds and I realize that this particular flock makes up a big part of their population, I also know that the total North American population for most of these birds is far less than the population of humans now living in the greater Seattle area!

While out on my usual morning walk-with-the-dog on May 1 1987 (I keep notes of special events!), I saw a peregrine falcon searching the brushy steep slopes of my neighborhood --- Queen Anne Hill only 4 miles from the heart of downtown Seattle It was obviously migrating (perhaps it had spent the previous day in Grays Harbor) and just thought it might be able to pick up some small sparrow to fuel its journey north This was only the second peregrine I have seen in my life (the first was while I was working in Mount McKinley National Park 15 years ago) Now this peregrine was one

of an entire North American population that numbered probably less than all of we humans on the few square miles of Queen Anne Hill!

Please think about our relative numbers --- humans versus birds --- and think about all the hazards and dwindling habitat birds face twice annually during their migrations All the summer range in Alaska and the arctic is worthless unless we can preserve these key migrating and overwintering areas in the Lower 48 It would take so little for Congress to make such a big difference in Grays Harbor Please do so

Sincerely

Connie C. Barlow

BLACK HILLS AUDUBON SOCIETY

A Washington State Chapter of the National Audubon Society
Mailing Address: P.O. Box 2524, Olympia, WA 98507

February 18, 1988

Honorable George Mitchell, Chairman
Subcommittee on Environmental Protection
Environment and Public Works Committee
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

The vast tidelands of the Grays Harbor Estuary are nearly ready for their annual harvest. For some months the sediments have been nourishing a thriving crop of tiny amphipods, an essential link in a complex food chain. In just two months migratory shorebirds in bewildering numbers will be arriving to rest and feed, regaining their strength for the arduous flight to Alaska. On a particular day the numbers present may exceed one million.

Grays Harbor is one of four Washington Counties represented by Black Hills Audubon Society. For the past ten years members of this chapter have been seeking protection of the wildlife habitats in the estuary recognized as exceptionally important. While the mudflats are crucial to such creatures as shorebirds, falcons salmon, they are misunderstood and severely abused by humans. It is our earnest hope that we can soon declare that a new national wildlife refuge is assured, that the continued existence of dependent creatures will no longer be at risk, and that this magnificent spectacle of massed shorebirds will provide inspiration and appreciation for our posterity.

On the occasion marking our fifteenth anniversary this letter will be passed around for signatures of members wishing to express support for Grays Harbor National Wildlife Refuge to the Subcommittee. Be assured that this is only a sample of the hundreds of people who are waiting to hear the good news.

Please accept this letter and attached signature list as evidence for the hearing record for February 25, 1988.

Gratefully yours,

The Members of Black Hills Audubon Society

29620 10th Pl. So.,
Federal Way, WA 98003

February 9, 1988

Senator George Mitchell, Chair
Subcommittee on Environmental Protection
and Public Works Committee,
U.S. Senate, WA D.C. 20510

Dear Sir:

My name is Thais Bock and I live at 29620 10th Pl. So., Federal Way, WA. I request the following statement be entered into the Senate subcommittee hearing record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

The need for the establishment of a National Wildlife Refuge bill to protect this unique resource at Bowerman Basin as well as nearby Point New is urgent. At this point in time it offers a once-in-a-lifetime opportunity to protect irreplaceable feeding grounds for huge numbers of migrating shorebirds and also the peregrine falcons that are sustained by the abundant food supply. It seems unwise to allow the Port of Grays Harbor ownership of this area for years to come, especially with their proclivity for industrial expansion. The City of Hoquiam should certainly purchase the land west of Paulson Road as part of the refuge.

The marvelous spectacle each Spring of watching thousands and thousands of shorebirds - and hearing their rush of wings as they fly overhead - is a privilege for us to witness and it must be experienced to be truly appreciated. If a really fine visitors center could be constructed it would be invaluable in educating the thousands of people that pour into the Basin to really understand the complex interaction between birds and their environment.

I thank you for allowing me to express my deep-felt feelings of the importance of establishing a Grays Harbor National Wildlife Refuge. Please send me a copy of the hearing record when available.

Sincerely,

Thais Bock

Thais Bock

John W. Brainerd
Wordmonger and imager of things seen and unseen*
RFD 1, 245 Varnum Road, West Brooksville, Maine 04617, U.S.A.
on our wonderously beautiful Planet Earth. Please join me
in its celebration and care for it and all its creatures.
Tel. 207-326-8846

13 February 1988

The Hon. Senator George Mitchell, Chairperson
Subcommittee on Environmental Protection
Environment and Public Works Committee
176 Russell Senate Office Building
Washington DC 20510

Dear Senator Mitchell:

My name is John W. Brainerd from Brooksville Maine, a long way from Grays Harbor, Washington, but I have been there. As a teacher of conservation for four decades, I know how important natural areas are for inculcating earth stewardship in people. Please use your wise influence to promote plans for a National Wildlife Refuge in the Bowerman Basin of Grays Harbor, including Point New and appropriate parts of the City of Hoquiam, and with provisions for a Visitor Center. Our only hope of a livable world is based on education, not on armaments such as Star Wars.

Sincerely,

John W. Brainerd

John W. Brainerd

*Latest book: THE NATURE OBSERVER'S HANDBOOK - LEARNING TO APPRECIATE OUR NATURAL WORLD: How to Observe, Record, and Experience the Intricate Beauty of Nature Everywhere, from an Untamed Wilderness to an Urban Landscape. The Globe Pequot Press, Chester CT 06412, October 1986. Paper, 258 pp. $9.95.

February 15, 1988

Senator George Mitchell, Chairman
Subcommittee on Environmental Protection
Environment and Public Works Committee
U.S. Senate, Washington, D.C. 20510

Dear Senator Mitchell:

My name is Elizabeth A. Brown and I live at 881 Center Road, Chimacum, Washington, 98325. I request that the following statement be entered into the Senate subcommittee hearing record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I strongly support the following to be included in the proposed National Wildlife Refuge Bill: protect all of the Bowerman Basin; add within the refuge boundary nearby Point New which is critical habitat for the endangered Peregrine Falcon; the land west of Paulson Road should be purchased from the City of Hoquiam and made part of the refuge; and the construction of a year-around visitors center.

I am concerned about the adoption of the Grays Harbor Estuary Management Plan which could leave the Bowerman Basin in the Port of Grays Harbor ownership for up to twenty more years. This Wildlife Refuge should be established as soon as possible.

I have visited Bowerman Basin in April during migration time and felt privileged to witness the scene of thousands of shore birds resting and feeding in this area. The refuge must be established not only to save this major migratory resting area for the waterfowl, but also to allow people to observe this spectacle of nature.

Thank you for the opportunity to submit my comments, and I would appreciate a copy of the hearing record when it is available.

Very sincerely,

Elizabeth A. Brown
(Mrs. Clifford C. Brown)
P.O. Box 344
Chimacum, WA 98325

coast alliance
218 D Street S.E. Washington, D.C. 20003

RESOLUTION IN SUPPORT OF A GRAYS HARBOR NATIONAL WILDLIFE REFUGE

WHEREAS the Bowerman Basin is recognized as an area of international importance for migratory shorebirds;

WHEREAS citizens from around the country have actively worked to preserve the Bowerman Basin from filling by the Port of Grays Harbor and the City of Hoquiam;

WHEREAS wetlands, mudflats and saltmarshes continue to be lost as increased development pressure impacts our nation's sounds, bays and great lakes;

WHEREAS the Bowerman Basin and nearby Point New are critical habitat for the endangered Peregrine falcon;

WHEREAS a Grays Harbor Estuary Management Plan, if adopted, would allow the Port of Grays Harbor to maintain ownership of the Bowerman Basin for up to two decades;

THEREFORE BE IT RESOLVED that the national Coast Alliance requests the U.S. Congress to protect the Bowerman Basin and Point New area by the establishment of a Grays Harbor National Wildlife Refuge.

Passed this 23rd day of February, 1988.

Nanolivia Crowley
607 Reservoir
Socorro, NM 87801

Senator George Mitchell, Chair
Subcommittee on Environmental Protection
Environment and Public Works Committee
U.S. Senate
Washington, D.C. 20510

Dear Senator Mitchell,

My name is Nanolivia Crowley. I live at 607 Reservoir in Socorro, New Mexico. I request that the following statement be entered into the Senate subcommittee hearing record of 25 Febrary 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I think it crucial for a National Wildlife Refuge to be established which includes all of the Bowerman Basin, as well as Point New - a critical habitat for endangered Peregrine Falcons. I support the purchase of the City of Hoquiam's land west of Paulson Road as part of the Refuge.

I am somewhat concerned over the Grays Harbor Estuary Management Plan. This Plan could leave the Bowerman Basin in Port of Grays Harbor ownership for up to twenty more years. Twenty more years of impact on the delicate ecosystem. I support the construction of a year round visitor center for the public's enjoyment and education of this important environment.

Thank you for the opportunity to submit my comments. When a hearing record is available I would like to have a copy sent to me.

Cordially,

Nanolivia Crowley

Nanolivia Crowley

Honorable George Mitchell, Chair
Subcommittee on Environmental Protection
Environment and Public Works Committee
United States Senate
Washington, D. C. 20510

My name is Jack Davis and I live at 1600-B 93rd Ave. SE, Olympia, WA 98502. I request that the following statement be entered into the Senate Subcommittee hearing record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

For several years I have been among those urging that certain habitat areas in Grays Harbor, Washington be protected and preserved as a national wildlife refuge. These areas are essential to the continued existence of several species of migrating shorebirds. Each spring perhaps several million of these birds pass through enroute to their nesting grounds far to the north. Should the mudflats of Grays Harbor be altered it would remove the opportunity for them to rest and feed.

While the tideflats are essential to shorebirds, some adjacent uplands are used by peregrine and other falcons that subsist on shorebirds as prey for several months each year. For that reason, and to provide needed habitat for a much more diversified wildlife population, the refuge should include Point New along with about 3,000 acres of tidelands. This would still be a very modest size for a refuge.

The focus of this effort toward establishing a wildlife refuge has been Bowerman Basin, a fragile wetland that has been steadily diminished by filling over the years. A management plan for Grays Harbor being developed over the past decade originally would have allowed about 500 acres of the basin to be filled with dredge spoils and used for industrial expansion. In its final form, currently being adopted by the several jurisdictions, the plan still affords less than full protection for Bowerman Basin for years to come. It would remain under the ownership of the Port of Grays Harbor, who never has favored its protection.

The City of Hoquiam, largely responsible for the vast damage done to the wetlands in the past, has vigorously opposed using any of the wetlands within its city limits for the proposed refuge. While this is a small area, it is an integral part of the ecosystem. I urge that it be purchased from the City of Hoquiam to be used as a year-round visitors center. The logical eastern boundary of the refuge would be Paulson Road.

Senator, those of us who have witnessed the migration of these vast masses of shorebirds find the experience beyond description. I can only urge you to see it for yourself. This spectacle belongs to future Americans as much as we. Please accept my thanks to the Subcommittee for hearing these comments.

Jack Davis
Jack Davis

Gerard J.van Deene
175 W. Warner Street
Ventura, CA 93001
February 15, 1988

Senator George Mitchell, Chair
Subcommittee on Environmental Protection
Environment and Public Works Committee
U.S. Senate
Washington, DC 20510

Dear Senator Mitchell:

My name is Gerard J. van Deene, living at 175 W.Warner Street, Ventura, CA 93001. I request that the following statement be entered into the Senate Subcommittee hearing record of 25 February 1988, on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

When our family first moved to Aberdeen,Washington, in 1969, we were immediately impressed by the beauty and vast expanse of the Grays Harbor estuary. As we worked and lived there we learned more about the richness of wildlife in the area and of the value of the estuary as a life support system for birds and aquatic life forms. We also became more and more concerned about the large tracts of wet lands being diked in and filled with dredge spoils, usually to create industrial lands that were never used. The 1969 Development Plan of the Port of Grays Harbor recommended diking and filling of all of the area west of Bowerman Field to Point New and from the present shore line to the Navigation Channel, including Bowerman Basin.

When the people of Washington passed the Shoreline Management Act, in 1973 I believe, I became a member of the Citizens Advisory Committee to develop a Shoreline Master Program for Grays Harbor County. As one of the few voices on that Committee speaking for the environment, I was instrumental in placing Bowerman Basin in a "Conservancy Environment" or zone, preventing its immediate development. So, although the fortunes of profession have since led us away from Grays Harbor, I still feel to have a personal stake in its well being and want to see the protection process, begun in 1973, finalized.

I fervently request, therefore, the Subcommittee's support for establishing a National Wildlife Refuge for Bowerman Basin from Poulson Road to Point New. Inclusion of Point New is very important to protect the habitat of the endangered American Peregrine Falcons.

Senator Mitchell
page 2

The continued ownership of parts of the proposed Refuge by the Port of Grays Harbor and the City of Hoquiam are of concern. These agencies are development oriented and their interests are inimical to the purposes of a Wildlife Refuge. I support acquisition of these inholdings by the Federal Government.

Construction of a permanent, year-around visitors center should be part of the Refuge plans. A visitors center is important for two reasons: One, it would attract people to watch the shore bird migration, an unforgettable experience, and secondly, it would serve as an educational tool to impress on peoples' minds the inestimable value of undisturbed estuarine lands to the web of life on this planet.

We thank you for your attention to this long and personal statement and for your support for this legislation.

Sincerely,

Gerard J. van Deene

Gerard J. van Deene

2/8/88

To: Senator George Mitchell, Chair,
Subcommittee on Env. Protection
Environment and Public Works Committee
U.S. Senate
Wash DC 20510

My name is Joan Edwards, I am the Chair of the Puget Sound Group of the Sierra Club, I reside at 9420 NE 14th Bellevue Wash, 98004.

I request that the following statement be entered into the Senate subcommittee hearing record of 25 Feb. 1988 on the proposed legislation to establish the "Grays Harbor National Wildlife Refuge."

I urge the subcommittee to pass legislation to establish a National wildlife Refuge that would protect Bowerman Basin and include Point New within the boundary.

As you know, the Peregrine Falcon is an endangered species due to the use of DDT in this country and Mexico. This magnificant bird needs all our help to recover their population. The Point New area is critical habitat for Perigrins, and therefore must be included in the refuge boundary.

A year round visitors center, staffed with interpretours, would be a vital and necessary part of the refuge. A visitors center would invite tourists into the Grays Harbor area, greatly helping the economy. This center would be a wonderful educational tool for informing the public about shorebird migration as well as Peregrine Falcon recovery efforts.

Thankyou for the opportunity to submit comments.

When a copy of the hearing record becomes available, will you kindly forward one to me.

February 13, 1988

Senator Jorge Bostchwitz, Chair
Subcommittee on Environmental Protection
Environment and Public Works Committee
U.S. Senate
Washington, D.C. 20510

My name is Ramona Finicar and I live at 1851-01-526, Lynnwood, Washington. I request that the following statement be entered into the Senate subcommittee hearing record of February 25, 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I strongly support the establishment of a National Wildlife Refuge bill which would protect all of Bowerman Basin, including Point New, and the land west of Pawson Road, which belongs to the city of Hoquiam.

The entire area in question is readily accessible to the public, so a Visitor Center would be a valuable asset to the Refuge. I lived in that wonderful area for 10 years and bridled to the shorebird migrations twice yearly. What a boon a Visitor Center would be in attracting the public to watch the thousands of fluttering wings, landing to feed on tidal tidbits. All of the cities in that area of the Washington Coast would benefit materially from tourist dollars. And think of the educational values to school children able to attend field trips to watch the migrations. We are long past delaying this National Refuge any longer. Let's show future generations that we knew what was worth preserving!

I thank your Subcommittee for the opportunity of submitting my comments on this needed legislation. I would appreciate receiving a copy of the hearing record when it is available. Thank you.

Sincerely,
Ramona Finicar

chef'n
CORPORATION

2001 Western Ave Market Place II Suite 555
Seattle, WA 98121
206 448 1210
Outside Washington 1 800 554 CHEF
Telex 296757 CHEF UR

17 February 1988

Senator George Mitchell
Chairman
Subcommittee on Environmental
Protection
Environment & Public Works Committee
U.S. Senate
Washington, D.C. 20510

Re: Proposed Grays Harbor, Washington National Wildlife Refuge Bill

Dear Senator Mitchell and Committee Members:

My name is F. Bartow Fite and I live at 1706 Howell Place, Seattle, Washington, 98122. Please enter my following statement into the hearing record 25 February 1988 on proposed legislation to establish a Grays Harbor, Washington National Wildlife Refuge.

I have visited the area and I have seen the shorebird migration. It's a lifetime thrill to see the thousands and millions of birds scattered on the broad flats at low tide and huddled tightly together on the point at high tide. It doesn't take an expert to recognize how important a stop the Bowerman Point area is as a rest stop for migrating birds of many species.

While it isn't as obvious to a casual visitor, I am told by experts that nearby Point New is a critical habitat for endangered Peregrine Falcons.

I strongly support anything and everything that can help preserve this area for the birds and that encourages its use as a visitors' center for education and enjoyment by the public.

I support the purchase of the City of Hoquiam's land west of Paulson Road as part of the Refuge.

The Grays Harbor Estuary Management Plan concerns me. I fear the potential of real damage for too long a period of time before an alternative could be considered.

It's a wonderful, unique area and fragile in the extreme. It must be preserved and establishing the Grays Harbor National Wildlife Refuge appears to be the best way to do it. I support it. I hope you and your committee will too.

Thank you for this opportunity to submit my comments. I would appreciate you sending me a copy of the hearing record when it becomes available.

Sincerely,

F. Bartow Fite
President

13 February 1988

Senator George Mitchell
Chair, Subcommittee on Environmental Protection
Environment and Public Works Committee, U.S. Senate
Washington D.C. 20510

Dear Senator Mitchell,

I have witnessed the shorebird migration along Washington's coastline and have observed their use and need for the Bowerman Basin in Gray's Harbor Washington.

I have confidence that the Senate will understand the critical need for Bowerman Basin to be designated as a National Wildlife Refuge, yet have great concern that its proposed size may be insufficient to protect threatened and endangered species, such as the Peregrine Falcon.

I urge you to include Point New and land west of Paulsen Road, Hoquiam, in the Refuge area.

Is it true that the present rate of extinction of species worldwide is about fifty-thousands times the "natural" rate?

Surely the Human species has hope only if this deadly trend is ceased.

Thank you for this opportunity to express my thoughts to the Subcommittee on Environmental Protection.

Sincerely,

Greg L. Freer

Greg L. Freer
P.O. Box 1642
Forks WA 98331

(206) 374-9353 evenings

230 Parallone
Discovery Bay, WA 98466
February 18, 1988

Senator George Mitchell, Chair
Subcommittee on Environmental Protection
Environment and Public Works Committee
U.S. Senate
Washington, DC 20510

My name is Helen Gilmour and I live at 230 Parallone, Discovery Bay, WA 98466. I request that the following statement be entered into the Senate subcommittee hearing record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I am most concerned that we get a strong national wildlife refuge bill which protects all of Bowerman Basin including nearby Point Dew which is important habitat for the endangered Peregrine Falcon.

There is a place without compromise. Thank you for letting me submit this comment.

5733 28th N.E.
Seattle, WA 98105
February 12, 1988

The Honorable George Mitchell
Chair, Subcommittee of Environmental Protection,
Environment and Public Works Committee
U.S. Senate
WA D.C. 20510

Dear Senator Mitchell,

My name is Maxine Hagen and I live at 5733 28th N.E. Seattle, WA 98105. I request that the following statement be entered into the Senate subcommittee hearing record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

All of the Bowerman Basin,since it is a critical area for millions of migrating shorebirds, needs to be protected. This can best be accomplished by the establishment of a National Wildlife Refuge bill. As nearby Point New is a critical habitat for endangered Peregrene Falcons, I urge the Senate to add it to the refuge boundary. Also, the City of Hoquiam's land west of Poulson Road should be purchased and become a part of the Refuge. The adoption of the Grays Harbor Estuary Management Plan is of great concern to me as it could leave the Bowerman Basin in the ownership of the Port of Grays Harbor for up to twenty years.

As a year-around visitors center would increase the public's understanding and appreciation of the wonderful attributes of such a refuge, I strongly support the construction of such a center.

I have not yet experienced the sight of the shorebird migration although I have made tentative plans of do so for several years. I hope that I might still have this opportunity and that generations to come might be able to do so too.

I wish to thank the Subcommittee for the opportunity of submitting my comments to the hearing. I should like a copy of the hearing record be sent to me when it is available.

Sincerely,

Maxine Hagen

Maxine Hagen

12 February, 1988

Senator George Mitchell, Chair,
Subcommittee on Environmental Protection,
Environment and Public Works Committee,
United States Senate,
Washington D.C., 20510

Dear Senator Mitchell,

My name is Kay P. Harradine, and I live at 21806 East Lost Lake Road, Snohomish, Washington, 98290. I request that the following statement be entered into the Senate subcomittee hearing record of 25 February, 1988, on proposed legislation to establish a Gray's Harbor National Wildlife Refuge:

I hereby strongly urge you and your fellow senators to take this opportunity to act now, and support the establishment of a National Wildlife Refuge bill which protects all of Bowerman Basin in S.W. Washington state. I cannot emphasize enough the need to assume responsiblility now for the future of this area. I have a great deal of interest in this issue as a long-time state resident, Forestry graduate from the University of Washington, past member of the Association of Interpretive Naturalists, basketmaker, birdwatcher, kayaker, photographer, teacher and future parent. I feel my enjoyment of life would be diminished in all these diverse areas if the special habitat at Bowerman Basin is not preserved. There is so much more at stake here than a bit of marshy land for the birds.

If Bowerman Basin remains under the jurisdiction of the Port of Grays Harbor for a further twenty years as currently proposed under the Grays Harbor Estuary Management Plan, I am concerned that wildlife will become a matter of secondary importance in the overall picture. We cannot allow that to happen. The estuary provides prime habitat for millions of migrating shorebirds, and is home to a small population of the endangered Peregrine Falcon. This resource is too important to squander, and must be protected before any more inroads of civilization destroy its ecological value. Now is the time to act.

It is for these reasons that I ask you to support the establishment of a National Wildlife Refuge by drafting a bill which protects Bowerman Basin, including Point New, and the lands west of Paulson Road currently owned by the city of Hoquiam. This important habitat will then be held in trust for all of us, even if we never set foot on the land.

Our heritage in this country has been to exploit the mighty land, for what we need or want today. The legacy we leave to our children must be a land protected, by law if necessary; and an education which teaches them to value and husband that which remains unexploited.

While there is still a chance to protect this valuable resource, I urge you to adopt a far-sighted and protective attitude toward this area. Do not allow this important legislation to be watered down. Do not allow the local economic picture to dictate the outcome of an issue which affects the nation for all time. Once Bowerman Basin has been paved over and polluted, used up by a greedy "me now" society, it will be too late.

In addition to acquiring and managing the land, it is essential that the second part of the legacy be provided for, and that is the education of our populace so that they might realize the treasure which you have helped to preserve in their name. Only through teaching our children to understand and care for their environment can our planet continue to sustain us. To this end, I strongly urge you to include in the bill provisions for the funding of a permanent visitors center at Bowerman Basin. The visitors center will provide an opportunity for sharing knowledge. Any child whose learning experience is reinforced by witnessing the magnificent spectacle of these birds will not soon forget nature's lessons. A visitors center would provide a powerful educational tool for the people of this state.

I would like to thank you, Senator Mitchell, and the Subcommittee on Environmental Protection for this opportunity to submit my comments on this very important issue. I would very much appreciate a copy of the hearing proceedings for my records, as I will be following your decisions with great interest. I have watched and photographed the birds at Bowerman Basin, picked the elusive sweet grass for basketweaving, kayaked in the abundant waters; I would like to be sure that I can share these things with my children. But most importantly, I would like to be certain that Bowerman Basin is adequately preserved for all the nation's children to come.

Respectfully submitted,

Kay P. Harradine

INTERNATIONAL COUNCIL FOR BIRD PRESERVATION
UNITED STATES SECTION, INC.

STANLEY E. SENNER, *Chairman*
Hawk Mt. Sanctuary Association
Rte. 2, Box 191
Kempton, PA 19529

RON NAVEEN, *Vice Chairman*
2378 Rte. 97
Cookaville, MD 21723

KATHLEEN S. ANDERSON, *Secretary*
22 Winter St.
Middleboro, MA 02346

FRANCES SPIVY-WEBER, *Treasurer*
National Audubon Society
801 Pennsylvania Ave., SE
Washington, DC 20003

14 March 1988

Honorable George J. Mitchell
Chairman
Subcommittee on Environmental Protection
408 Hart Senate Office Building
Washington, DC 20510

Dear Mr. Chairman:

This letter is submitted for the record of your hearing on S. 1979, a bill to establish a Grays Harbor National Wildlife Refuge. The U.S. Section of the International Council for Bird Preservation (ICBP-US) supports creation of a federal refuge at Grays Harbor.

The enclosed resolution of support, formally adopted by delegates to the U.S. Section in July 1987, calls attention to the internationally-significant wildlife values of the Grays Harbor estuary. This area is best known, of course, as a staging area for shorebirds in spring migration, and Grays Harbor is one of a handful of areas in North America that supports upwards of one million migrating shorebirds. It is also important to migrating and wintering peregrine falcons and many waterfowl.

Within the estuary, the Bowerman Basin and Point New are the most important areas. Both of them deserve to and should be included within the boundary of a Grays Harbor NWR.

Although we recognize that considerable effort went into drafting the Grays Harbor Estuary Management Plan, the plan falls short of providing permanent protection for the Bowerman Basin. In fact, the plan provides no protection for the wetlands and wildlife of Grays Harbor beyond that which exists under current law. This fact, coupled with the long history of habitat losses within the estuary, suggests that there is urgency to designation of a national wildlife refuge and that refuge status is the best way to assure long-term protection.

MEMBER SOCIETIES OF THE UNITED STATES SECTION

Academy of Natural Sciences of Philadelphia • American Museum of Natural History • American Ornithologists' Union • Association of Field Ornithologists • Cabrillo Waterbird Society • Cooper Ornithological Society • Cornell Laboratory of Ornithology • Florida Audubon Society • Hawk Mountain Sanctuary Association • International Crane Foundation • Los Angeles County Museum of Natural History • Manomet Bird Observatory • Massachusetts Audubon Society • National Audubon Society • National Wildlife Federation • The Nature Conservancy • New Jersey Audubon Society • New York Zoological Society • Pacific Seabird Group • The Peregrine Fund • Point Reyes Bird Observatory • Smithsonian Institution • Western Foundation of Vertebrate Zoology • The Wildlife Society • Wilson Ornithological Society • World Pheasant Association USA • World Wildlife Fund U.S.

The U.S. Section of ICBP has not formally considered the matter of mitigation credits, nor the specific language of the House-passed bill. We strongly support creation of a refuge at Grays Harbor, however, and we encourage you to proceed with sensitivity to local needs, bearing in mind the integrity of the National Wildlife Refuge System and our wetland protection laws.

We are eager to assist in the creation of Grays Harbor NWR, and we should appreciate your consideration of these views.

Sincerely,

Stanley E. Senner
Chairman

enclosure (1)

A Resolution from the

International Council for Bird Preservation-U.S. Section

PROPOSED BOWERMAN BASIN/POINT NEW NATIONAL WILDLIFE REFUGE

WHEREAS during spring migration the Bowerman Basin/Point New area within the Grays Harbor estuary on the Washington coast regularly supports hundreds of thousands of shorebirds of more than 20 species;

WHEREAS the Bowerman Basin/Point New area also supports significant numbers of wintering shorebirds and waterfowl;

WHEREAS the Bowerman Basin/Point New area serves as habitat for migrating and wintering Peregrine Falcons of three subspecies;

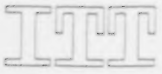
WHEREAS the Bowerman Basin/Point New area is accessible to people and provides exceptional opportunities for viewing wildlife; and

WHEREAS the Grays Harbor Estuary Management Plan fails to provide for the long-term protection of the Bowerman Basin/Point New area;

THEREFORE BE IT RESOLVED that the United States Section of the International Council for Bird Preservation requests that the United States Congress protect this internationally-significant ecosystem through establishment of a Bowerman Basin/Point National Wildlife Refuge; and

BE IT FURTHER RESOLVED that the Section requests that the U.S. Fish and Wildlife Service and other federal and state agencies cooperate with Congress in establishing the refuge and, prior to its establishment, that they provide maximum interim protection by use of their administrative authorities.

[adopted by mail ballot, July 1987]



ITT Rayonier Inc.
Seattle Office
Suite 900
18000 Pacific Hwy. South
P.O. Box C-68967
Seattle, Washington 98188
Telephone (206) 246-3400

February 25, 1988

TESTIMONY TO THE SENATE PUBLIC WORKS AND ENVIRONMENT COMMITTEE RE S. 1979, ESTABLISHING THE GRAYS HARBOR NATIONAL WILDLIFE REFUGE.

SUBMITTED BY JAY A. FREDERICKSEN, DIRECTOR OF CORPORATE RELATIONS

Mr. Chairman and Members of the Committee:

ITT Rayonier is a forest products company, headquartered in Stamford, CT., which has a pulp mill, vanillin plant, lumber mill, log sorting yard, export dock, and logging operations in the Grays Harbor area. We directly employ 425 persons in Grays Harbor and also utilize contractors who employ an additional 300 persons. We have been in business in Grays Harbor since 1929. We own 400,000 acres of timberland on the Olympic Peninsula near Grays Harbor.

Our dock, log sorting yard and lumber mill border the proposed wildlife refuge. Our pulp mill is situated on the Grays Harbor bay, about one mile from the proposed refuge.

We have been supportive of the establishment of the refuge. And we have indicated our willingness to participate financially in efforts to promote the refuge as a tourist attraction. We believe the refuge can have positve results not just for wildlife, but for the community, as well. However, we are concerned that the bill provides no protection for existing industries surrounding the refuge and could make it extremely difficult for the area to attract new industry. While the bill itself does not specifically penalize area industries, neither does it provide any protection.

ITT Rayonier is concerned that, because of the establishment of the refuge, at some future point the area could either be designated a Class I environmental area, or that more stringent regulations than currently exist could be adopted under state laws dealing with non-degradation of waters in a national wildlife refuge. We believe that it is important to not only protect the wildlife, but to also provide protection for the economic future of the area.

As originally drafted, the bill did provide protection for contiguous lands. It said that no restrictions on contiguous land uses should be imposed because of the establishment of the refuge. But it did require that the Secretary of the Interior report to Congress annually as to the impacts on the refuge from activities on surrounding land. Unfortunately, that provision has been removed. Without such a provision, we are concerned about future restrictions on our lumber mill and log sorting yard, which are adjacent to the refuge. We believe it is only fair that existing uses on contiguous lands should not be impacted and that specific language is necessary to ensure they are not impacted.

Further, we believe it is important to the economic future of the area that additional protections be built into the legislation. Accordingly, we suggest the following language: "The refuge shall not be redesignated as a Class I area under Section 164(a) of the Clean Air Act (42 U.S.C. 7474-(a), nor shall any effluent limit or other permit conditions, imposed in a federal or state discharge permit implementing the requirements of Section 402 or 404 or any other requirement of the Federal Water Pollution Control Act, be lowered or made more stringent than it otherwise would be if the refuge did not exist."

The language above would not prohibit new effluent or emission limits, as long as they were not a result of the establishment of the refuge. The language would not cause any deterioration from existing standards. It merely provides some assurances to local industry that establishment of the refuge will not penalize them at some future point. The language would guarantee that industry in Grays Harbor would be treated, as to environmental regulations, the same as industry elsewhere. Without this language, it is entirely conceivable that pressure from the environmental lobby could result in the imposition of far more stringent environmental standards for existing industry.

Also, we fear that without such language it will be very difficult to attract some industries to locate in the area. It seems highly unlikely that a business would want to locate near a wildlife refuge that could have tougher environmental standards than other localities.

The Grays Harbor area has been one of the most economically depressed in the state during the last six or seven years. It is beginning to rebound. The local economic development authority and the Port of Grays Harbor have been extremely active in their efforts

to diversify and expand the economy. Establishment of the refuge could be beneficial to the economy by attracting more tourism. But the economic consequences could be extremely detrimental without protective language.

We strongly urge the committee to do more than just protect the wildlife. Please also provide protection for those who earn their livelihood in Grays Harbor.

Thank you.

83-620 0 - 88 - 5

KARL W. KENYON
11990 Lakeside Pl. N.E.
Seattle, Washington 98125

15 February 1988

Senator George Mitchell, Chairman
SubComm. on Environmental Protection
Env. & Pub. Works Comm.
U.S. Senate, WA D.C. 20510

Dear Senator Mitchell:

My name is Karl W Kenyon and I live at 11990 Lakeside Pl. NE, Seattle, WA 98125. I request that the following statement be entered into the Senate subcommittee hearing record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge (G.H. NWR).

I strongly support a G H NWR Bill that protects all of Bowerman Basin, including Point News, which is important to the survival of the Peregrin falcons in this area.

I am concerned – and object to the idea – that the Grays Harbor Estuary mgt. Plan would leave the Bowerman Basin in the ownership of the Port of Grays Harbor for up to 20 years.

The City of Hoquiam's land West of Paulsan Road should be purchased and made a part of the G H NWR.

A year-around visitors center should definitely be constructed.

I have visited the Bowerman Basin area, as well as other parts of Grays Harbor, during the migration periods of Shorebirds and other waterfowl. The vast numbers of birds which depend on the Bowerman Basin area for food are very Spectacular and their survival is important to the survival of a number of species. Their Habitat must be protected and preserved. As a long time (26 years) & now a retired Biologist of the U.S. Fish and Wildlife Service I strongly urge that the G H NWR be established. Sincerely yours,

Karl W. Kenyon

Wildlife Research Biologist, USFWS, (Ret.)

2-15-88

Senator Geo. Mitchell, Chair,
Subcommittee on Environmental
Protection, Environment & Public
Works Committee, U.S. Senate -
Washington, D.C. 20510

My name is Deserta Littleson
and I live at 308 Ea. 123rd,
Tacoma, WA 98445. I request
that the following statement be
entered into the Senate subcom-
mittee hearing record of 25 Feb-
ruary 1988 on proposed legisla-
tion to establish the Gray Harbor
Natl Wildlife Refuge.

All of the Bowerman Basin
is such a unique place when
shorebirds migrate.

It should be protected
as a Natl Wildlife Refuge.

Thank you for all you
can do to promote the idea.

Port Orchard, Wash.
February 13, 1988.

Senator George Mitchell,
Subcommittee on Environmental Protection,
Environment & Public Works Committee,
U. S. Senate,
Washington, D. C. 20510.

Dear Senator Mitchell,

My name is Barbara Kline and I live at 7374 Glenwood Rd SW, Port Orchard, Wash. I request that the following statement be entered into the Senate subcommittee hearing record 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

A National Wildlife Refuge bill for the Bowerman Basin should be passed as soon as possible before any dredge or fill can ruin what is left. Point New which is habitat for the endangered peregrine falcon should be included. If possible the land west of Paulson Road should be bought from the City of Hoquiam and added to the Refuge.

The Grays Harbor Estuary Management Plan which could leave Bowerman Basin in the ownership of the Port of Grays Harbor for up to twenty years is the worst of the plans sent me for review.

My brother was impressed with the numbers of birds during the April 1985 migration in spite of the cold wind and light rain that year. Last April in good weather we both enjoyed the birds a great deal. He is not usually interested in birds and has a short attention span where birds are concerned, but he was definitely impressed and didn't mind staying while I enjoyed the birds and talked to other birders.

Bowerman Basin should be given the best protection possible, soon.

Sincerely,

Barbara Kline

Miss Barbara Kline
7374 Glenwood Rd S W
Port Orchard WA 98366

7450 Corliss Ave N
Seattle, WA 98103
February 10, 1988

Senator George Mitchell
Chair, Subcommittee on Environmental Protection
Environment and Public Works Committee
U.S. Senate
Washington, D.C. 20510

Senator Mitchell:

My name is Dave Lippert and I live at 7450 Corliss Ave N, Seattle, WA 98103. I request that the following statement be entered into the Senate subcommittee hearing record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I have visited the Bowerman Basin area several times and witnessed the spectacular shorebird migration that takes place annually in late April. This is truly one of the most amazing natural phenomena that I have ever witnessed, and I hope that we will allow it to continue. I am in favor of the establishment of a National Wildlife Refuge Bill which would protect all of Bowerman Basin and thus preserve the birds and their migration.

Any plan which would not fully protect the area, such as the Grays Harbor Estuary Management Plan, is inadequate and leaves the area vulnerable to future threats. The proper course of action is the establishment of a refuge with a year round visitor center.

Point New, an area nearby which is an important habitat for the endangered peregrine falcon, should also be included in the refuge. This area has not attracted as much attention as Bowerman Basin, but it is critical that we preserve endangered species.

In conclusion, we have the opportunity to protect this area and the wildlife dependent upon it forever. Let us do it properly the first time with a wildlife refuge for Bowerman Basin and Point New. Anything less would be unfortunate.

Thank you for the opportunity to air my views. Please send me a copy of the hearing record when it becomes available.

Sincerely,

Dave Lippert

Dave Lippert

1523 West 41 Street
Erie, Pa. 16509
February 13, 1988

Senator George Mitchell, Chair
Subcommittee on Environmental Protection
Environment and Public Works Committee
U.S. Senate
Washington, D.C.
20510

Dear Senator Mitchell:

We are Emil A. and Evelyn E. Maki and we live at 1523 West 41 Street, Erie, Pa., 16509. We request that the following statement be entered into the Senate subcommittee hearing record of 25 February 1988, on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

We wish to express support for the establishment of a National Wildlife Refuge which would protect all of the Bowerman Basin and as much other area as possible, including Point New and the City of Hoquiam's land west of Paulson Road. This entire area is of great importance to wildlife, especially birds as they migrate, and it would have devastating effects if it is not preserved as a refuge.

We are also concerned about the adoption of the Grays Harbor Estuary Management Plan which could leave the Bowerman Basin in Port of Grays Harbor ownership for up to twenty more years. In that length of time, the temptation might be to fill in the wetlands and use it for building or manufacturing purposes to meet man's requirements instead of wildlife's needs for which it is ideally suited.

We have not yet visited that particular part of Washington but hope to do so some day, and would urge the construction of a year-round visitors' center, so that many more of us may enjoy observing the wildlife and learn more about this spectacular part of the country of which the State of Washington ought to be most proud and protective.

Sincerely,

Mr. & Mrs. Emil A. Maki

Mr. & Mrs. Emil A. Maki

The Mountaineers
300 Third Avenue West • Seattle, Washington 98119 • (206) 284-6310
BRANCHES IN TACOMA, EVERETT, OLYMPIA AND BELLINGHAM

February 11, 1988

Senator George Mitchell, Chair
Subcommittee on Environmental Protection
Environmental and Public Works Committee
U.S. Senate
Washington, D.C. 20510

RE: Grays Harbor National Wildlife Refuge

Dear Senator Mitchell:

The Mountaineers is the largest conservation and outdoor organization in Washington State, with over 11,000 members. We request that the following statement be entered into the Senate subcommittee record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

The Mountaineers strongly support legislation to establish a national wildlife refuge to protect Bowerman Basin and Point New in Grays Harbor. This area is one of the most important wildlife areas in the entire Northwest, as it is a critical resting area for millions of migratory shorebirds stopping to feed on their annual migrations from Central and South America to their breeding grounds in Alaska and the Canadian Arctic. In addition to providing rest and food for these shorebirds - mainly western sandpipers and dunlin - this area is also a habitat for the endangered peregrine falcon.

Establishing this refuge would provide favorable resolution to the problems of protecting these important areas, which have been identified as worthy of such protection, but for which no legally binding form of protection has been established. In the meantime, significant problems, or threats, remain. In 1978, state and federal agencies had agreed to let the Port of Grays Harbor fill in nearly a square mile of saltmarsh and mudflats critical for the feeding of the migratory shorebirds. Public pressure prevented the Port from carrying out this action, but the possibility of development still remains. The Port still retains ownership and continues bad management practices such as herbicide spraying in parts of the basin. And, the mitigating actions agreed upon by the Port when it filled in forty-five acres of wetlands on the Hoquiam River three miles east of the basin still have not been carried out. Thus the creation of a national wildlife refuge offers the only form of permanent protection for Bowerman Basin.

The present lack of protection for Bowerman Basin and Point New jeopardizes the annual aerial spectacle of shorebirds which is growing rapidly in popularity as a tourist attraction, and provides a valuable recreational and educational experience for visitors.

In closing, The Mountaineers strongly believes in the importance of wildlife preservation as an integral part of the natural environment, and thus respectfully urge your support for the creation of a national wildlife refuge at Bowerman Basin and Point New in Grays Harbor.

Thank you for the opportunity to make these comments.

Sincerely,
THE MOUNTAINEERS

William H. Maxwell
President

WHM/nl

12054 35th Ave.N.E.
Seattle, WA. 98125
2/17/88

Senator George Mitchell, Chair
Subcommittee On Environmentl Protection
Environment and Public Wors Committee
U.S. Senate, WA D.C. 20510

Dear Sir:

My name is Betty K.Nelson and I live at 12054 35th Ave.N.E. Seattle,WA. I request that the following statement be entered into the Senate Subcommittee hearing record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I am very much in favor of having a National Wildlife Refuge bill to save Bowerman basin from development. Also the adjoining plot of land which harbors the peregrine falcons nesting area.

A national plan such as this would protect the area better than the local one in Grays Harbor. I also strongly support the purchase of land to this purpose from the City of Hoquiam.

It would be nice to have a year around visitors center in the Bowerman basin preserve. My daughter and I have visited the area during the shorebird migration flights and were much impressed. Not only are the thousands of birds very interesting to observe but also the beaches and the wetlands variety of plants.

Thank you for this chance to present our opinions to you and we would be interested to see a copy of the hearing record when available.

Sincerely
Betty K. Nelson

Sue Hoover
NORTH CENTRAL WASHINGTON AUDUBON
P.O. BOX 2934
WENATCHEE, WA. 98801

The Board of Directors of North Central Washington Audubon recently passed the following resolution:

Because it is a major resting + feeding point for millions of migratory Shorebirds each spring + fall;

Because these shorebirds are the critical food supply of the endangered Peregrine Falcon;

Because wetlands are vital to the production of fish + the health of the ocean;

Be it resolved that Bowerman Basin be made a National Wildlife Refuge

Sue Hoover, President
April 18, 1986

OLYMPIC PENINSULA AUDUBON SOCIETY

March 13, 1986

Mr. Jack Davis
1600-B 93rd Ave. S. E.
Olympia, WA 98502

Dear Jack:

Here is OPAS's resolution on Bowerman Basin adopted at our board meeting yesterday. We certainly hope this refuge becomes a reality. We are sorry not to be sending anyone to Asilomar this year, but we are sure Washington will be strongly represented there.

Best wishes.

Sincerely,

Robert B. Knox, President
OPAS
202 Island View Road
Port Angeles, WA 98362
452-3194

OPAS RESOLUTION ON BOWERMAN BASIN , March 12, 1986

Whereas Bowerman Basin is one of the most important resting and staging areas on the continent for migratory shorebirds and affords vital habitat for these and other species, including the peregrine falcon;

And whereas the Basin has been under constant threat of being filled in with dredge spoils and converted to industrial uses, with the consequent loss of an essential and indispensable refueling stop for the million or more waterfowl and shorebirds that use it;

Therefore, be it resolved that Olympic Peninsula Audubon Society strongly support the proposed establishment of a Bowerman Basin-Point New National Wildlife Refuge.

2-12-88

Senator George Mitchell
Subcommittee on Environmental Protection
U.S. Senate

Dear Sir,

My name is Patricia Otto and I live at 1033 Marine Drive, Bellingham, Washington. I request that the following statement be entered into the hearing record on the proposed Grays Harbor National Wildlife Refuge.

Each spring we gather a group of family and friends and drive to Bowerman Basin to thrill to the sight of millions of migrating shorebirds. We wonder at their beauty and fragility as thousands of tiny bills probe the sparkling sand to restore their depleted energy sources prior to the next leg of their tremendous journey. Bowerman Basin must be protected as fully and completely as possible. Our wetlands and their wildlife are disappearing so fast. I wonder if our children will be able to experience the wonder of shorebird migrations.

Please support the establishment of a Wildlife Refuge that protects all of Bowerman Basin including Point No.

Sincerely,
Patricia Otto

Senator George Mitchell February 10,
Chairman Sub Committee on Environ. Protection 1988
Environment & Public Works Committee
U. S. Senate, Washington, D.C.

Dear Sir:

My name is William V. Peterson and I live at 713 Holcombe Ave. N, Litchfield Minn. 55355. I request that the following statement be entered into the Senate Sub-Comm. hearing record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I Strongly support the establishment of a National Wildlife Refuge Bill which protects all of the Bowerman Basin & I also ask the Senate to add the nearby Ft. Lewis as well.

In regard to the Grays Harbor Estuary Management Plan - I support the position taken by the Friends of the Earth Groups.

I also am in Completed agreement as to the purchase of the City of Hoquiams land west of Jackson Road as part of the Refuge.

I surely believe a there should be a four acroad Visitors Center as well.

This Refuge, as you know, is of World-wide importance. We need much more of these type Sanctuaries for Birds, Etc.

Please send Copy of Hearing Record.

Sincerely
William V. Peterson

My name is Robert W Potts and I live at 48800 Deadwood Fire Lookout Road, Coarsegold, California, 93614, and I request that the following statement be entered into the Senate subcommittee record of 25 February 1988 on the proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I have spent several days on two occasions birding the Grays Harbor area, as being one of the most productive and interesting birding areas of the Pacific Coast, and I very strongly support this legislation for protecting such an important birding area.

I would also urge that Point New and that the City of Hoquiam's land west of Paulson Road be added to the Refuge. I would also hope that a year-round Visitor's Center be made a part of the Refuge.

I would seriously question the wisdom of leaving the Bowerman Basin under the Port of Grays Harbor ownership. The extremely important values of the area can only be protected as they should be by the establishment of the proposed Wildlife Refuge.

Thank you for the opportunity to submit my comments.

Robert W Potts

ConTerra
ASSOCIATES

February 10, 1988

Senator George Mitchell, Chair
Subcommittee on Environmental Protection
Environment and Public Works Committee
U.S. Senate
Washington, D.C. 20510

Dear Senator Mitchell,

My name is Ronald Jay Rabin and I live at 21625 SE 24th St. in Issaquah, Washington. I request that the following statement be entered into the Senate subcommittee hearing record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I strongly support the establishment of a National Wildlife Refuge bill that protects all of the Bowerman Basin and urge the Senate to add nearby Point New to the refuge boundary.

I am concerned about the Grays Harbor Estuary Management Plan which could leave the Bowerman Basin in Port of Grays Harbor ownership for up to 20 more years.

I strongly support the purchase of the City of Hoquiam's land west of Paulson Road as part of the Refuge.

I strongly support the construction of a year-around visitors center.

Being an avid bird lover and having witnessed the glorious shorebird migration, not to mention being very concerned about the need to change our attitudes regarding our responsible relationship to our Earth, I urge you to seriously consider these fundamental issues. Thank you.

Sincerely,

Ronald Jay Rabin

2805 W. Clark Street Ct.
Issaquah, Washington 98027-3769
Phone 206-392-0653

536 Brentwood Road
Omaha, NE. 68114
February 14, 1988

Senator George Mitchell, Chair
Subcommittee on Environmental Protection
Environment and Public Works Committee
United States Senate
Washington, D.C. 20510

Dear Senator Mitchell:

My name is Neal Ratzlaff. My address is 536 Brentwood Road, Omaha, NE. 68114. I request that the following statement be entered into the Senate subcommittee hearing record of 25 February 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I wish to add my name to those who support a National Wildlife Refuge bill that would protect all of the Bowerman Basin. I believe this should also include nearby Point New which is critical habitat for the endangered Peregrine Falcon. The land owned by the City of Hoquiam, west of Paulson Road is an important part of the whole plan. Thus, I support purchase of it as well as construction of a year round visitors center so the public may enjoy and learn about the importance of these tidal wetlands.

For the Refuge to serve its purpose, the resource must have a committment to protect it from all parties involved in its management. In this regard, I am concerned about the proposed Grays Harbor Estuary Management Plan which could leave ownership in the hands of the Port of Grays Harbor for some years to come.

I do appreciate the opportunity to submit my comments on preservation of this important resource. I would appreciate receiving a copy of the hearing record when available.

Sincerely,

Neal S. Ratzlaff

SEATTLE AUDUBON SOCIETY
RESOLUTION
ON
BOWERMAN BASIN/POINT NEW NATIONAL WILDLIFE REFUGE

WHEREAS the Bowerman Basin/Point New area provides feeding and roosing habitat for millions of migratory shorebirds (e.g. western sandpiper, short-billed dowitcher, and wigeon) each spring;

WHEREAS the Bowerman Basin/Point New area is habitat for the endangered peregrine falcon;

WHEREAS the Bowerman Basin/Point New area is an internationally significant environmental resource;

WHEREAS the Bowerman Basin/Point New area should be designated as a unique wildlife ecosystem; and

WHEREAS the Bowerman Basin/Point New area has remained unprotected and threatened, and no plan for the permanent protection of the critical habitat area has existed until now;

THEREFORE BE IT RESOLVED THAT the Senate and the House of Representatives of the United States of America in Congress assembled, at the earliest should take steps as necessary to enact legislation to establish the Bowerman Basin/Point New National Wildlife Refuge in Grays Harbor, State of Washington for the purpose of providing habitat for a broad diversity of bird species and protecting the roosting and feeding grounds of the peregrine falcon, the western sandpiper, dunlin, short-billed dowitcher, and wigeon and providing for scientific research and wildlife-oriented public education and interpretation; and

BE IT FURTHER RESOLVED that prior to the establishment of the Refuge and thereafter, the Secretary of the Interior shall administer the lands, waters and interests within the area proposed for the Refuge in accordance with the National Wildlife Administration Act of 1966 and such additional statutory authority as may be available to him.

Approved by the Seattle Audubon Society Board of Directors in its regular meeting on 13 March 1986.

Robert Y. Grant
President

Springfield, OR 97477
February 12, 1988

Senator George Mitchell, Chair,
Subcommittee on Environmental Protection,
Environment and Public Works Committee,
U.S. Senate, WA D.C. 20510

Dear Sir:

My name is Ms. Martha E. Simons, and I live at P.O. Box 1375, Springfield, OR, 97477. I request that the following statement be entered into the Senate subcommittee hearing record of 25 February, 1988, on proposed legislation to establish a Grayes Harbor National Woldlife Refuge."

I strongly support the establishment of a National Wildlife Refuge bill which protects all of the Bowerman Basin and urge the Senate to add nearby Point New (critical habitat for endangered Peregrine Falcons) to the boundary.

I strongly support the purchase of the City of Hoquiam's land west of Paulson Road as part of the Refuge.

I strongly support the construction of a year-round visitor's center.

It is very important that the shorebird migrations not be interrupted from their eons-old-migrations.routes.

I thank you for the opportunity to submit to the Subcommittee my comments, and would like a copy of the hearing record be sent to me when available.

Sincerely,

Ms. Martha E. Simons
P.O. Box 1375
Springfield, OR 97477

SPOKANE AUDUBON SOCIETY
A WASHINGTON CHAPTER OF THE NATIONAL AUDUBON SOCIETY

March 10, 1986

Bowerman Basin: A Resolution

-Whereas the tidal flats near Hoquiam, Washington known as Bowerman Basin are the site of the greatest concentration of migrating shorebirds south of Alaska.

-Whereas the site is of critical importance for the preservation of shorebird populations and the protection of endangered raptors associated with them.

-Whereas there are no compelling reasons to destroy or degrade the site.

-Whereas the government officals and study commissions have failed to extend protection to this priceless asset of international significance.

-The Board of the Spokane Chapter of the National Audubon Society passed the present resolution, stongly urging the Federal Government to acquire Bowerman Basin and to make it a National Wildlife Sanctuary for Migratory Shorebirds.

February 10, 1988

Senator George Mitchell, Chair,
Subcommittee on Environmental Protection
Environment and Public Works Committee
U. S. Senate
Washington D. C. 20510

Dear Senator Mitchell:

My name is Eleanor Stopps and I live at 311 Verner Avenue, Port Ludlow, Washington, 98365. I request that the following statement be entered into the Senate subcommittee hearing record of 25 February, 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I wish to express my strong conviction that the Bowerman Basin area needs the protection of National Wildlife Refuge status and I urge that the proposed Grays Harbor National Wildlife Refuge bill be favorably acted on as soon as possible.

I am familiar with the area and the wildlife it supports and I believe that all the Bowerman basin plus nearby Point New needs to be included in the refuge boundaries so that the endangered Peregrine Falcons as well as the millions of shorebirds can be protected. The city of Hoquiam land west of Paulson road should also be included.

The concentrations of shorebirds in these areas are the most spectacular sight that many of us have ever seen. There are few places remaining in the world where such huge migrations can be fed, sheltered, and perpetuated.

This area should be transfered from Port of Grays Harbor ownership to the Fish and Wildlife Service immediately upon passage of the bill.

I believe the economy of the area will be greatly benefited as each year more and more people come to view this marvel of nature and at the same time spend money for food, lodging, gas, and services. The construction of a year-round visitor center would greatly facilitate this.

Thank you for this opportunity to comment.
I would appreciate receiving a copy of the hearing record when available.

Sincerely,

Eleanor Stopps

Eleanor Stopps
311 Verner Avenue
Port Ludlow, Washington 98365

3121 Soundview Drive West
Tacoma, Washington 98466

February 13, 1988

Senator Mitchell,

Please enter this letter into the Senate subcommittee hearing record of February 25, 1988 on the proposed legislation to establish a Grays Harbor National Wildlife Refuge.

I strongly support the establishment of a National Wildlife Refuge bill which will protect all of the Bowerman Basin. I urge the Senate to add Point New to the refuge boundary. As you probably

Know, Point New is an area needed for habitat of the peregrine falcon.

Observing the shorebird migration at Bowerman Basin is an awe inspiring experience. If Bowerman Basin is lost, so are the shorebirds. There is so little area left for them to use for resting and feeding during their migration.

Please do everything you can to see that the Grays Harbor National Wildlife Refuge is funded with a visitors center as part of the Refuge.

Sincerely,

Beatrice E. Thompson

February 17,1988

Senator George Mitchell, Chair
Subcommittee on Environmental Protection
Environment and Public Works Committee
U.S. SENATE
Washington, D.C. 20510

Dear Sir:

My name is Rhoda Vandenburg and I live at 2103 NW 201st St., Seattle, Washington 98177. I requestthat the following statement be entered into the Senate Subcommittee hearing record of Feb. 25, 1988, on proposed legislation to establish a Grays Harbor National Wildlife Refuge:

I am concerned deeply regarding the National Wildlife Refuge Bill and the protection it should give to all of Bowerman Basin and I would urgently ask the Senate to add Point New, the habitat for our endangered Peregine Falcons, to the refuge boundary.

I am concerned about the adoption of the Grays Harbor Estuary Management Plan, probably leaving the Bowerman Basin in the Port of Grays Harbor ownership for many more years. I would support the purchase of the City of Hoquiam's land West of Paulson Road as part of this necessary refuge.

I would strongly support the construction of a year-around visitors center for this precious and unique area. Many of us make a special trip to the area just to see the phenomenon of the migrating shorebirds. THIS WHOLE AREA MUST BE PRESERVED.

Thank you for hearing my comments. Please send me a copy of the hearing record when it is available.

Sincerely yours,

Rhoda S. Vandenburg

RHODA VANDENBURG
2103 NW 201
Seattle, WA 98177

Yakima Valley
AUDUBON SOCIETY
CHAPTER OF NATIONAL AUDUBON SOCIETY
P. O. BOX 9701 YAKIMA, WASHINGTON 98909

10 May 1986

Jack Davis
1600 B 93rd Ave SE
Olympia, WA 98502

Re: Wildlife Refuge Status for Bowerman Basin

At the April board meeting of the Yakima Audubon Society, the unique staging, roosting and feeding values of Bowerman Basin were discussed at length. Recognizing that this basin is of international significance to the welfare of migrant shorebirds and estuarine life in general, a unanimous resolution was passed in favor of setting aside the Basin as a NationAL Wildlife Refuge.

Sincerely,

Andrew Stepniewski
President

My name is E. Zahn, address 295 Fleet Drive, Port Ludlow, WA 98365. Will you please enter the following statement in the Senate's subcommittee hearing record of February 25, 1988 on proposed legislation to establish a Grays Harbor National Wildlife Refuge.

Please accept my strong support for the establishment of a National Wildlife Refuge Bill to protect all of the Bowerman Basin, and the Senate is urged to add Point New, critical habitat for the Peregrine Falcon, to the Refuge boundary.

Will you please insist that there must be no adoption of a Grays Harbor Estuary Management Plan which would leave the Bowerman Basin in Port of Grays Harbor ownership.

And will you please support the purchase of the City of Hoquiam's land, west of Paulson Road, as a part of the Refuge.

Thank you for your interest in the protection and in the restoration of natural areas which are so important to the shorebird migration, for birds which are protected by International Treaty, birds needing their habitat protected also.

E. Zahn
2/8/88

II

100TH CONGRESS
1ST SESSION

S. 1979

To establish the Grays Harbor National Wildlife Refuge.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19 (legislative day, DECEMBER 15), 1987

Mr. ADAMS (for himself and Mr. EVANS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To establish the Grays Harbor National Wildlife Refuge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Grays Harbor, a ninety-four-square-mile estuary on the coast of the State of Washington, is of critical importance to certain migratory shorebirds and waterfowl and provides important habitat for many types of fish and wildlife, including threatened and endangered species;

(2) the area known as Bowerman Basin is a tidal mudflat within the Grays Harbor estuary which at-

tracts hundreds of thousands of migratory shorebirds during spring and fall migrations as well as peregrine falcons and other raptors;

(3) the Bowerman Basin provides extraordinary recreational, research, and educational opportunities for students, scientists, birdwatchers, nature photographers, the physically handicapped, and others;

(4) the Bowerman Basin is an internationally significant environmental resource that is unprotected and may require active management to prevent vegetative encroachment and to otherwise protect and enhance its habitat values; and

(5) the Bowerman Basin has been identified in the Grays Harbor Estuary Management Plan, prepared by Grays Harbor Regional Planning Commission, as an area deserving permanent protection.

SEC. 2. PURPOSES.

The purposes for which the Grays Harbor National Wildlife Refuge is established and shall be managed for include—

(1) to conserve fish and wildlife populations and their habitats, including but not limited to those of western sandpiper, dunlin, red knot, long-billed dowitcher, short-billed dowitcher, other shorebirds, and other migratory birds, including birds of prey;

(2) to fulfill international treaty obligations of the United States with regard to fish and wildlife and their habitats;

(3) to conserve those species known to be threatened with extinction; and

(4) to provide an opportunity, consistent with the purposes sets forth in paragraphs (1), (2), and (3), for wildlife-oriented recreation, education, and research.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) The term "refuge" means the Grays Harbor National Wildlife Refuge.

(2) The term "lands and waters" includes interests in lands and waters.

(3) The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 4. ESTABLISHMENT OF REFUGE.

(a)(1) The Secretary is authorized and directed to establish, as herein provided, a national wildlife refuge to be known as the Grays Harbor National Wildlife Refuge.

(2) There shall be included within the boundaries of the refuge those lands, marshes, tidal flats, submerged lands, and open waters in the State of Washington generally depicted on a map entitled "Grays Harbor National Wildlife Refuge",

dated December, 1987, which comprise approximately one thousand eight hundred acres.

(3) Said boundary map shall be on file and available for public inspection in the office of the Director of the Fish and Wildlife Service, Department of the Interior, and in appropriate offices of the Fish and Wildlife Service in the State of Washington.

(b) BOUNDARY REVISIONS.—The Secretary may make such minor revisions in the boundaries designated under subsection (a) as may be necessary to carry out the purposes of the refuge and to facilitate the acquisition of property within the refuge.

(c) ACQUISITION.—(1) The Secretary shall, not later than the 3rd anniversary of the effective date of this Act, acquire by transfer or purchase, or both, the approximately one thousand seven hundred eleven acres of lands and waters owned by the Port of Grays Harbor within the refuge and identified as Management Unit 12, Area 1, in the Grays Harbor Estuary Management Plan.

(2) The appropriate Federal agencies may treat any lands and waters transferred to the Secretary under paragraph (c)(1) as meeting, in whole or in part, mitigation obligations of the Port of Grays Harbor arising under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344): *Provided,* That the validity of such mitigation credits

is predicated on compliance with the guidelines issued under section 404(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(b)(1)).

(3) The Secretary is authorized to acquire up to sixty-eight acres of lands and waters owned by the city of Hoquiam within the boundaries of the Refuge, and to compensate the lessees on such lands and waters for improvements and relocation costs.

SEC. 5. ADMINISTRATION.

(a) GENERAL ADMINISTRATIVE AUTHORITY.—The Secretary shall administer all lands, waters, and interests therein, acquired under section 4 in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee).

(b) OTHER AUTHORITY.—Consistent with the provisions of section 5(a) of this Act, the Secretary may utilize such additional statutory authority as may be available to him for the conservation and development of fish, wildlife, and natural resources, the development of outdoor recreation opportunities, and interpretative education as he considers appropriate to carry out the purposes of the refuge.

(c) MANAGEMENT PLAN.—Within eighteen months after the effective date of this Act, the Secretary shall prepare a management plan for the development and operation of the refuge which shall include—

(1) the construction of a visitor center suitable for year-round use with special emphasis in interpretative education and research;

(2) viewpoints, boardwalks, and access;

(3) parking and other necessary facilities; and

(4) a comprehensive plan setting forth refuge management priorities and strategies.

The Secretary shall provide opportunity for public participation in developing the management plan.

SEC. 6. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Department of the Interior—

(1) such sums as may be necessary for the acquisition of the lands and waters referred to in section 4(c)(1).

(2) not to exceed $2,500,000 to carry out other provisions of this Act.

SEC. 7. REFUGE DEVELOPMENT FUND.

The Director of the Fish and Wildlife Service shall, upon enactment of this Act, promptly consult with the Fish and Wildlife Foundation created by Public Law 98–244 to request the foundation set up a separate account for the purpose of encouraging, accepting, and administering private gifts of property for the purposes of this Act. The Director shall, in preparing the management plan required by section

5 of this Act, give special consideration to means by which he may encourage the participation and contributions of local public and private entities in the development and management of the refuge.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, or January 1, 1988, whichever date occurs later.

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